



## **AGENDA**

### **FOR ENVIRONMENTAL SUSTAINABILITY AND TREES SUB COMMITTEE MEETING TO BE HELD ON**

**12 AUGUST 2024 AT THE CONCLUSION OF THE SALISBURY LIVING SUB  
COMMITTEE**

**IN WITTBER & DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB,  
34 CHURCH STREET, SALISBURY**

#### **MEMBERS**

Cr L Brug (Chairman)  
Mayor G Aldridge (ex officio)  
Deputy Mayor Cr C Buchanan  
Cr J Chewparsad  
Cr P Jensen  
Cr S McKell (Deputy Chairman)  
Cr S Ouk

#### **REQUIRED STAFF**

Chief Executive Officer, Mr J Harry  
General Manager City Infrastructure, Mr J Devine  
Deputy Chief Executive Officer, Mr C Mansueto  
General Manager Community Development, Mrs A Pokoney Cramey  
General Manager City Development, Ms M English  
Manager Governance, Mr R Deco

#### **APOLOGIES**

#### **LEAVE OF ABSENCE**

#### **PRESENTATION OF MINUTES**

Presentation of the Minutes of the Environmental Sustainability and Trees Sub Committee Meeting held on 08 July 2024.

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**REPORTS**

ESATS1 Future Reports for the Environmental Sustainability and Trees Sub  
Committee ..... 7

ESATS2 Tree Removal Requests - June 2024 ..... 9

ESATS3 Tree Removal Response Letter Templates..... 19

ESATS4 Impacts of Amendments to the Planning, Development and Infrastructure  
Regulations regarding Regulated and Significant Trees ..... 43

**QUESTIONS ON NOTICE**

*There are no Questions on Notice*

**MOTIONS ON NOTICE**

*There are no Motions on Notice*

**OTHER BUSINESS**

*(Motions without Notice, Questions Without Notice, CEO Updates)*

**CLOSE**



**MINUTES OF ENVIRONMENTAL SUSTAINABILITY AND TREES SUB COMMITTEE  
MEETING HELD IN WITTBER & DR RUBY DAVY ROOMS, SALISBURY  
COMMUNITY HUB, 34 CHURCH STREET, SALISBURY ON**

**8 JULY 2024**

**MEMBERS PRESENT** Cr L Brug (Chairman)  
Mayor G Aldridge (ex officio)  
Deputy Mayor, Cr C Buchanan  
Cr J Chewparsad  
Cr P Jensen  
Cr S McKell (Deputy Chairman)  
Cr S Ouk (via Teams Link)

**OBSERVERS** Cr B Brug

**STAFF** Chief Executive Officer, Mr J Harry  
General Manager City Infrastructure, Mr J Devine  
General Manager City Development, Ms M English  
Manager Urban, Recreation & Natural Assets, Mr J Foong  
TL Natural Spaces & Environmental Management, Ms E MacGillivray  
Parks & Open Space Assets Specialist, Mr M Oborn  
PA General Manager City Infrastructure, Ms H Prasad

The meeting commenced at 6.33pm

The Chairman welcomed the Elected Members, members of the public and staff to the meeting.

**APOLOGIES**

Nil.

**LEAVE OF ABSENCE**

Nil.

**PRESENTATION OF MINUTES**

Moved Cr J Chewparsad  
Seconded Cr S McKell

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The Minutes of the Environmental Sustainability and Trees Sub Committee Meeting held on 13 May 2024, be taken as read and confirmed.

**CARRIED**

## **REPORTS**

### **ESATS1 Future Reports for the Environmental Sustainability and Trees Sub Committee**

Moved Cr P Jensen  
Seconded Mayor G Aldridge

That Council:

1. Notes the report.

**CARRIED**

### **ESATS2 Tree Removal Requests - April and May 2024**

Moved Cr C Buchanan  
Seconded Mayor G Aldridge

That Council:

1. Requests that a further information report be provided to the Urban Services Committee regarding the approval status for removal of the tree listed as number 30 on page 23 of the report (Item ESATS2 – Tree Removal Requests – April and May 2024, Environmental Sustainability and Trees Sub Committee, 8 July 2024) and that the report include a copy of updated letters being sent to applicants following the change in the legislation relating to regulated trees.
2. Requests that a draft letter to State Members of Parliament in response to the change in legislation be included in the further report.

That the Environmental Sustainability and Trees Sub Committee, using its delegated authority under its adopted Terms of Reference:

3. Approves for the removal of the tree listed as tree 47 on page 27 of the report (Item ESATS2 – Tree Removal Requests – April and May 2024, Environmental Sustainability and Trees Sub Committee, 8 July 2024) at 7 Goldthorn Road, Salisbury Park.

**CARRIED**

### **ESATS3 Appeals Report - Tree Removal Requests - Various Locations for April and May 2024**

Moved Cr J Chewparsad

Seconded Cr P Jensen

That Council:

1. Notes that the technical tree assessments undertaken for 18 Etuna Street, Para Hills West, 36 Birch Avenue, Salisbury East, and 3 Bearing Road, Salisbury North, does not conclude removal be recommended, based solely on the application of Council approved tree removal criteria.
2. Notes that, as part of the appeal process, the refused tree removal requests appealed during April and May 2024, as outlined in the report (Item ESATS3, Environmental Sustainability and Trees Sub Committee, 8 July 2024), are now presented to the Environmental Sustainability and Trees Sub Committee for consideration and/or recommendation to Council as per the Environmental Sustainability and Trees Sub Committee’s Terms of Reference.
3. Approves that a Development Application be lodged for the removal of the one (1) *Regulated* tree located at 36 Birch Avenue, Salisbury East.

That the Environmental Sustainability and Trees Sub Committee, using its delegated authority under its adopted Terms of Reference:

4. Refuses the removal of the one (1) *Regulated* tree located at 18 Etuna Street Para Hills West.
5. Refuses the removal of the one (1) now *Regulated* tree located at 3 Bearing Road, Salisbury North.

**CARRIED**

**ESATS4 Urban Tree Canopy Data and Reporting**

Moved Cr C Buchanan  
Seconded Cr P Jensen

That Council:

1. Notes the information.
2. Approves the letter attached to the report (Attachment 1, Item ESATS4, Environmental Sustainability and Trees Sub Committee, 8 July 2024) and feedback tables as a submission to Green Adelaide in response to the draft *Urban Greening Strategy* with the following additions:
  - a. the letter to include a request for consideration for Local Governments being given the ability to access the State Governments Planning and Development Fund program to support the Urban Tree Canopy increase targets and

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highlight the canopy coverage percentage of land owned by the State Government compared to the City of Salisbury within the Council area; and

- b. the feedback tables be updated to clearly highlight the data impacts relating to the mangroves and the airport.
- 3. Request that staff investigate the use of Federal Government Housing Support Program and how it can be used to support the Urban Tree Canopy increase targets.

**CARRIED**

**QUESTIONS ON NOTICE**

There were no Questions on Notice.

**MOTIONS ON NOTICE**

There were no Motions on Notice.

**OTHER BUSINESS**

*(Questions Without Notice, Motions Without Notice, CEO Update)*

There were no Other Business Items.

**CLOSE**

The meeting closed at 7.54pm.

CHAIRMAN.....

DATE.....

**INFORMATION  
ONLY  
ITEM**

ESATS1

**ENVIRONMENTAL SUSTAINABILITY AND TREES SUB  
COMMITTEE**

**DATE**

12 August 2024

**HEADING**

Future Reports for the Environmental Sustainability and Trees Sub  
Committee

**AUTHOR**

Corina Allen, City Infrastructure Administration Coordinator, City  
Infrastructure

**CITY PLAN LINKS**

4.2 We deliver quality outcomes that meet the needs of our  
community

**SUMMARY**

This item details reports to be presented to the Environmental  
Sustainability and Trees Sub Committee as a result of a previous  
Council resolution.

**RECOMMENDATION**

That Council:

1. Notes the report.

**ATTACHMENTS**

There are no attachments to this report.

**1. BACKGROUND**

- 1.1 A list of resolutions requiring a future report to Council is presented to each  
Sub Committee and standing Committee for noting.
- 1.2 If reports have been deferred to a subsequent month, this will be indicated, along  
with a reason for the deferral.

**2. EXTERNAL CONSULTATION / COMMUNICATION**

- 2.1 Nil.

**3. DISCUSSION**

- 3.1 The following table outlines reports to be presented to the Environmental Sustainability and Trees Sub Committee as a result of a previous Council resolution:

<b>Meeting - Item</b>	<b>Heading and Resolution</b>	<b>Officer</b>
18/12/23	<b>Sustainability Partnerships</b>	Lara Daddow
ESATS3	3. Approves pursuing establishment of a trial Regional Climate Partnership with the City of Playford, Town of Gawler, Local Government Association and Department for Environment and Water with a further report to be presented to Council with a Memorandum of Understanding.	
<b>Due:</b>	December 2024	

**CONCLUSION / PROPOSAL**

- 4.1 Future reports for the Environmental Sustainability and Trees Sub Committee have been reviewed and are presented to Council for noting.



**INFORMATION ONLY ITEM**

ESATS2

**ENVIRONMENTAL SUSTAINABILITY AND TREES SUB COMMITTEE**

**DATE**

12 August 2024

**HEADING**

Tree Removal Requests - June 2024

**AUTHOR**

Nigel John, Team Leader Parks & Landscape, City Infrastructure

**CITY PLAN LINKS**

- 1.1 Our City is attractive and well-maintained
- 4.1 Members of our community receive an exceptional experience when interacting with Council

**SUMMARY**

This monthly report provides Elected Members with an update on tree removal requests received from residents.

**RECOMMENDATION**

That Council:

Notes the items within this report.

**ATTACHMENTS**

This document should be read in conjunction with the following attachments:

- 1. Tree Removal Requests- June 2024

**1. BACKGROUND**

- 1.1 At its meeting held on Tuesday, 27 April 2021 Council resolved:

*“That a standing report be established for every meeting of the Tree Management Appeals Sub Committee to inform Council of every application received for tree removal and the outcome of that request.”*

- 2.0 Staff currently upload a monthly tree removal request information table to the Elected Members Portal. This document has been adapted to provide further information and will now be reported to each meeting of the Environmental Sustainability and Trees Sub Committee.

**2. EXTERNAL CONSULTATION / COMMUNICATION**

- 2.1 Various residents

**3. DISCUSSION**

- 3.1 The attached table is a summary of requests for tree removals received and actioned by staff during the past month and have been provided on the Elected Member Portal for June 2024.

3.1.1 Thirty-one (31) tree removal requests were received in June 2024.

- 3.1.2 Of these requests, sixteen (16) were approved for removal of which all were significant or regulated trees approved through development applications.
- 3.1.3 Fifteen (15) requests were refused. Of these, thirteen (13) are related to significant or regulated trees under the *Planning Development and Infrastructure Act 2016*.
- 3.2 Tree removal requests often result in ongoing dialogue between the owner of the property and Council on the proposed tree removal and subsequent discussions around the species type and location of the new street tree.
- 3.3 It is important to note that through various annual programs Council plants 2,000 trees each year. These programs include the Street Tree Renewal Program, In-fill Planting Program, Tree Screen Renewal Program, Reserve Upgrade Program, Feature Landscape Renewal Program, Greening Program, School Tree Planting Program, Major Projects and ad-hoc planting requests. These tree renewal programs are cognisant of regulated, significant trees or those forming habitat corridors.

#### **4. FINANCIAL OVERVIEW**



- 4.1 The budget allocation for reactive tree removals for 2023/24 is \$363,000.
- 4.2 At its meeting held on Monday, 8 April 2024, item ESATS2, Council carried an additional \$150,000.00 non-discretionary budget allocation for reactive tree removals for the remaining 23/24 f/year.
- 4.3 As of 30 June 2024, the total end-of-f/year spend is \$511,306.00

#### **5. CONCLUSION**

- 5.1 It is proposed that the information contained in the report be noted.

# TREE REMOVAL REQUESTS


Assessed by Parks and Landscape Arborist on site and removed based on Councils Tree Removal Criteria

ADDRESS		DATE	REFERENCE	APPROVED	REFUSED NOT Regulated/Significant	REFUSED Regulated/Significant
1	Burton Atkinson Drive Reserve, side 49 Atkinson Drive - Regulated Recommended removal criteria 1.5	Monday, 17 June 2024	E351986-Case 13553 DA 24017678	D/A Approved - Regulated		
2	Gulfview Heights 26 Carriage Way - tree nearest no. 24 boundary - REASSESSED - now Regulated (originally approved but had to be reassessed due to size of tree) Large diameter failure shows wood rot within wound. Reduction pruning is no longer an option as there are no practical reduction points along the remaining branches. Recommended removal criteria 1.5	Thursday, 6 June 2024	E350411-Case 11738 DA 24016535	D/A Approved - Regulated-		
3	Gulfview Heights 14 Frazer Avenue - Regulated 	Tuesday, 4 June 2024	E352189-Case 13772			Refused - Regulated  <i>Euc leucoxylon regulated tree. Health and structure rating 2 fair. No obvious history of major branch failure. Approval supported for minor reduction from property and deadwood</i>
4	Ingle Farm 388 Baron Avenue - Significant 	Monday, 3 June 2024	E354605-Case 16678			Refused - Significant Tree  <i>Euc camaldulensis 2.85 circ. Health and structure rating 2 fair. The tree doesn't achieve criteria for removal. Tree to be protected and noted during the Sub Division of the property.</i>

Item ESATS2 - Attachment 1 - Tree Removal Requests- June 2024



# TREE REMOVAL REQUESTS

Assessed by Parks and Landscape Arborist on site and removed based on Councils Tree Removal Criteria

	ADDRESS	DATE	REFERENCE	APPROVED	REFUSED	REFUSED
					NOT Regulated/Significant	Regulated/Significant
5	Ingle Farm 20 Glenora Drive - REASSESSED - now Regulated (originally approved but had to be reassessed due to size of tree) Recommended tree removal criteria 1.5 tree has had history of major limb failure and presently stands poor structure.	Tuesday, 18 June 2024	E355834-Case 18217 DA 24017861	D/A Approved - Regulated		
6	Ingle Farm 48 Dukas Drive - 2 x Significant Trees Request raised by resident at 205 Bridge Rd (he is not owner) 	Wednesday, 12 June 2024	E352539-Case 14188			Refused - Significant Trees x 2  <i>Euc cladocalyx x 2.</i> <i>Both sig trees are in fair condition.</i> <i>Both trees were recently pruned since branch failure.</i> <i>Neither tree achieves criteria for removal . The owner requested an inspection of the 2 significant trees for health only and wishes to retain the trees.</i>
7	Ingle Farm 20 Tantara Street - Regulated - STREE-70642. Tree approximately 70-80% dead	Wednesday, 26 June 2024	E358616-Case 21686 DA 24018657	D/A Approved - Regulated		
8	Para Vista Karla St side 30B Malbanda Ave - 3rd tree from corner - REASSESSED - now Regulated (originally approved but had to be reassessed due to size of tree) Recommended Tree removal Criteia 1.5. The 2nd tree has several poor unions recommended removal criteria 1.5.	Monday, 3 June 2024	E351761-Case 13300 DA 24016098	D/A Approved - Regulated		
9	Parafield Gardens Lovelock Road Detention Basin Reserve adjacent to side of 64 Lovelock Road - Significant Ac. salicina	Wednesday, 19 June 2024	E356830 DA 24017999	D/A Approved - Significant tree		




# TREE REMOVAL REQUESTS

Assessed by Parks and Landscape Arborist on site and removed based on Councils Tree Removal Criteria

	ADDRESS		DATE	REFERENCE	APPROVED	REFUSED	REFUSED
						NOT Regulated/Significant	Regulated/Significant
10	Parafield Gardens	10 Trundle Court - Significant 	Wednesday, 19 June 2024	E352441-Case 14091			Refused - Significant Tree <i>Euc leucoxyton 2.05 circ. Health and structure rating 2 fair. The tree does require some width reduction and doesn't achieve criteria for removal.</i>
11	Paralowie	2 Moneva Street - Significant - Tree removal and replant supported - Criteria 4	Tuesday, 4 June 2024	E351840-Case 13394 DA 24016268	D/A Approved - Significant tree		
12	Paralowie	16 Tracey Avenue - Significant tree,	Thursday, 6 June 2024	E356547-Case 19087 DA 24016513			DA report submitted for the pruning of more then 30 % of the tree (approved pruning only)
13	Paralowie	11 Redford Court <b>- REASSESSED - now Regulated</b> (originally approved but had to be reassessed due to size of tree)Recommended Tree removal supported -Criteria 4 and 5	Thursday, 6 June 2024	E354876 DA 24016526	D/A Approved - Regulated		
14	Paralowie	32 Redford Court - Regulated 	Tuesday, 4 June 2024	E355501-Case 17759			Refused - Regulated <i>Euc leucoxyton, Regulated tree. Health and structure rating 2 (fair). The tree doesn't currently achieve criteria for removal</i>



# TREE REMOVAL REQUESTS

Assessed by Parks and Landscape Arborist on site and removed based on Councils Tree Removal Criteria

	ADDRESS	DATE	REFERENCE	APPROVED	REFUSED	REFUSED
					NOT Regulated/Significant	Regulated/Significant
15	Paralowie 	3 Dyson Court Tuesday, 18 June 2024	E353678-Case 15573		Refused - not regulated  <i>Juvenile Euc torquata Health planted in 2015 and structure rating 1 Good. Tree doesn't currently achieve any criteria for removal.</i>	
16	Paralowie	44 Tintara Road - Significant. Tree Recommended removal criteria 1.5 Wednesday, 26 June 2024	E351631-Case 13166 DA 24018379	D/A Approved - Significant		
17	Paralowie 	311 Kings Road - Regulated Thursday, 27 June 2024	E351613-Case 13136		Refused - Regulated  <i>Cal harkness 1.06 circ (reg). Health and structure rating 2 (fair). The Tree doesn't achieve criteria for removal under the PDI act</i>	
18	Pooraka 	18 Saxon Street - Significant Tuesday, 4 June 2024	E353832-Case 15764		Refused - Significant  <i>South Australian Blue Gum with a trunk circumference of 2.66 meters, The tree appears in fair to good condition and was last assessed and pruned in April 2022. Under the legislative controls, we cannot carry out any further reduction pruning at the moment.</i>	



# TREE REMOVAL REQUESTS

Assessed by Parks and Landscape Arborist on site and removed based on Councils Tree Removal Criteria

	ADDRESS		DATE	REFERENCE	APPROVED	REFUSED	REFUSED
						NOT Regulated/Significant	Regulated/Significant
19	Salisbury	13-15 Wright Street - Significant. Tree Structure rating 4 (poor).	Monday, 3 June 2024	E351833-Case 13389 DA 24013584	D/A Approved - Significant tree		
20	Salisbury	adj 60 Middle Row - Significant. Recommended removal criteria 1.5	Monday, 17 June 2024	E349644-Case 10813 DA 24017662	D/A Approved - Significant tree		
21	Salisbury Downs	Unit 1 / 11 Rachael Road - Regulated 	Tuesday, 4 June 2024	E352173-Case 13754			Refused - Regulated  <i>Euc intertexta regulated tree. Health and structure rating 2 fair. Tree doesn't currently achieve criteria for removal and driveway extensions will require approval</i>
22	Salisbury East	16 Mario Court <b>- REASSESSED - now Regulated</b> (originally approved but had to be reassessed due to size of tree) Storm damaged tree	Thursday, 6 June 2024	E350345-Case 11642 DA 24016587	D/A Approved - Regulated		
23	Salisbury East	28 McEvoy Drive - 1 x tree <b>- REASSESSED - now Regulated</b> (originally approved but had to be reassessed due to size of tree) 	Thursday, 27 June 2024	E351308-Case 12779			Refused - Regulated  <i>tree is now regulated and while it isn't a notable specimen there isn't any obvious health or structure concerns that would support removal of a regulated tree</i>

# TREE REMOVAL REQUESTS



Assessed by Parks and Landscape Arborist on site and removed based on Councils Tree Removal Criteria

	ADDRESS	DATE	REFERENCE	APPROVED	REFUSED	REFUSED
					NOT Regulated/Significant	Regulated/Significant
24	Salisbury Heights The Grove Way, rear 12 Gateway Drive - REASSESSED - now Regulated (originally approved but had to be reassessed due to size of tree) Recommended removal criteria 1.2	Thursday, 6 June 2024	E352583-Case 14240 DA 24015922	D/A Approved - Regulated		
25	Salisbury Heights 39A-39C Coomurra Drive 	Tuesday, 4 June 2024	E352909-Case 14630		Refused - NOT Regulated  <i>Euc porosa</i> health and structure 3 average. Pruning has allowed an adequate view of the road.	
26	Salisbury Heights 16 Radiata Grove - Significant 	Wednesday, 19 June 2024	E352549-Case 14201			Refused - Significant Tree  <i>Euc sideroxylon</i> 2.09 circ. Health and structure rating 2 fair. Tree doesn't currently achieve criteria for removal .
27	Salisbury North 1 Tabora Crescent - Uraidla Avenue - tree nearest corner - Tree is currently 70 % dead. Health rating poor. Recommend replacing with criteria 1.4	Thursday, 6 June 2024	E351469-Case 12959 DA 24016585	D/A Approved - Regulated		
28	Valley View 22 Albany Terrace - REASSESSED - now Regulated Agonis, declining health, structure poor, tree removal criteria 1.5	Monday, 17 June 2024	E349614-Case 10784 DA 24017656	D/A Approved - Regulated		



# TREE REMOVAL REQUESTS

Assessed by Parks and Landscape Arborist on site and removed based on Councils Tree Removal Criteria

	ADDRESS	DATE	REFERENCE	APPROVED	REFUSED	
					NOT Regulated/Significant	Regulated/Significant
29	Valley View 14 Kym Avenue - Regulated - tree furthest from cnr 	Wednesday, 12 June 2024	E352483-Case 14131			Refused - Regulated  <i>Euc intertexta x 2. Both trees are in fair condition overall. Minor reduction from property recommended</i>
30	Valley View 14 Kym Avenue - Significant - tree nearest cnr 	Wednesday, 12 June 2024	E352483-Case 14131			Refused - Significant Tree  <i>tree closest to corner 2.10 circ. The tree closest to corner has minor history of small diameter branch failure. Recommend minor reduction from property on tree closest to corner</i>
31	Valley View 25 Lindsay Avenue - REASSESSED - now Regulated (originally approved but had to be reassessed due to size of tree) declining health, structure poor, Recommended tree removal criteria 1.5	Wednesday, 26 June 2024	E350661-Case 12041 DA 24018392	D/A Approved - Regulated		

Item ESATS2 - Attachment 1 - Tree Removal Requests- June 2024



<b>ITEM</b>	ESATS3
	<b>ENVIRONMENTAL SUSTAINABILITY AND TREES SUB COMMITTEE</b>
<b>DATE</b>	12 August 2024
<b>HEADING</b>	Tree Removal Response Letter Templates
<b>AUTHOR</b>	Mark Purdie, Manager Field Services, City Infrastructure
<b>CITY PLAN LINKS</b>	4.1 Members of our community receive an exceptional experience when interacting with Council
<b>SUMMARY</b>	This report provides reviewed and amended letter templates used to communicate the outcomes of tree removal requests to applicants.

## RECOMMENDATION

### That Council:

1. Approves the content of the City of Salisbury Advisory Note on State Government legislation changes relating to Regulated/Significant trees as presented in Attachment 1 of the report (Item ESAT3 Tree Removal Response Letter Templates – Environmental Sustainability and Tree Sub Committee, 12 August 2024).
2. Approves the Tree Removal Request Template Suite as presented in Attachment 2 of the report (Item ESAT3 Tree Removal Response Letter Templates – Environmental Sustainability and Tree Sub Committee, 12 August 2024).

## ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. City of Salisbury Advisory Note on State Government Legislation Changes Relating to Regulated/Significant Trees
2. Tree Removal Request Letter Template Suite
3. PlanSA Frequently Asked Question Fact Sheet for Regulated and Significant Trees

### 1. BACKGROUND

- 1.1 At its meeting held on Monday, 27 May 2024 Council passed the following resolution:

“3. *Requests the Administration prepare a separate advisory notice advising of the significant changes made by the State Government on significant and regulated trees to be sent to all constituents who lodge a tree removal request that is relating to either a regulated or significant tree.*

4. *Requests for this advisory notice to also include Planning SA FAQ and contact details of the State Member of Parliament to raise any concerns or further questions relating to the State Government’s recent changes to the management of significant and regulated trees.”*

1.2 At its meeting held on Monday, 22 July 2024 Council passed the following two resolutions:

“2. ... requests Administration to table all templates of letters related to trees including the amendments suggested at the July ESAT committee and the July Urban Services Committee.”;

and

“1. ... include a copy of updated letters being sent to applicants following the change in the legislation relating to regulated trees.

2. Requests that a draft letter to State Members of Parliament in response to the change in legislation be included ....”

## **2. EXTERNAL CONSULTATION / COMMUNICATION**

2.1 Nil.

## **3. DISCUSSION**

3.1 Following the recent amendments to the *Planning, Development, and Infrastructure Act 2016*, letters relating to decisions not to remove regulated/significant trees have been reviewed and amended to provide additional advice and information concerning the legislative considerations. This includes the provision of a frequently asked questions fact sheet concerning the legislative changes contained on the PlanSA website.

3.2 Administration have also developed content for inclusion in an advisory note that summarises the legislative changes relating to regulated/significant trees that directs the community to their State Member of Parliament should they have questions or concerns relating to the new legislation (Attachment 1).

3.3 The suite of letter templates that are used to communicate the outcomes of tree removal requests and further information on tree removal processes are shown in Attachment 2 (the layout/format of the attachment has been set out for ease of reference as part of Council’s consideration).

3.4 These templates are separated into the following three categories:

3.4.1 Administration Determination Templates:

- Letter 1a – Administration approved removal of a non-regulated/significant tree
- Letter 1b – Administration Development Application approved removal of a regulated/significant tree
- Letter 1c – Administration refused removal of a non-regulated/significant tree

- Letter 1d – Administration refused removal of a regulated/significant tree
- Letter 1e – Acknowledgement of appeal request

In addition to these templates, if a removal request has been lodged through Council's new customer request management system (Salesforce) and includes the requestors mobile number, rather than the approval letter, approval notification is sent via SMS advising of removal approval, timeframe for removal and staff contact information.

3.4.2 Appealed – Environmental Sustainability and Tree Sub Committee/Council Determination Templates:

- Letter 2a – Appealed – ESAT upheld refusal of removal of a non-regulated/significant tree or regulated/significant tree
- Letter 2b – Appealed – ESAT approved removal of a non-regulated/significant tree
- Letter 2c – Appealed – ESAT/Council supported removal of a regulated/significant tree and subsequent lodgement of Development Application

3.4.3 Appealed – Development Application Determination Templates.

- Letter 3a – Appealed – Development Application determination outcome – approved removal of a regulated/significant tree
- Letter 3b – Appealed – Development Application determination outcome – refused removal of a regulated/significant tree

3.5 These templates contain the same base information and are individually modified to suit the specifics of each case. As an example, you will see in Attachment 2, that some paragraphs have an 'either/or' option.

3.6 Also included in the attachment for information is the following templated letter:

- Letter 4 – Letter to State Members of Parliament who have written to Council on behalf of constituents requesting removal of a Council owned regulated/significant tree.

3.7 It is important to note that if letters are sent to applicants via a hard copy letter, the links to Plan SA information (Attachment 3) and Council's Advisory Note (Attachment 2) will also be printed and attached for ease of reference.

## 4. FINANCIAL OVERVIEW

4.1 Nil.

**5. CONCLUSION**

- 5.1 Administration has a Tree Removal Request Template Suite that is used to respond to various removal requests.
- 5.2 A City of Salisbury Advisory Note has been created that summarises the changes to the PDI Act in relation to Regulated/Significant trees and will be included in outgoing correspondence.
- 5.3 All templates are consistent in their messaging and where relevant, highlight the legislative changes made by the State Government relating to regulated and significant trees under the *Planning, Development, and Infrastructure (General) (Regulated and Significant Trees) Amendment Regulations 2024* under the *Planning, Development, and Infrastructure Act 2016* that came into effect on 16 May 2024.



**On Thursday 16 May 2024, the Government of South Australia gazetted changes to legislation regarding Regulated and Significant trees.**

Trees with a trunk circumference of one metre or more are now considered to be Regulated and where the trunk is two metres and greater in circumference, those trees are now considered to be Significant.

Removal, or other activities that would damage Regulated and Significant trees, require a development application in order to be assessed against the criteria outlined in the *Planning Development and Infrastructure Act (2016)*.

Additional changes made by the State Government have also resulted in the definition of regulated or significant trees relating to distances from dwellings or swimming pools being reduced from 10 metres (with two exceptions) to three metres (with four exceptions).

Like you, Council is obligated to adhere to the criteria for Regulated and Significant trees specified by the Government of South Australia.

**If you wish to provide any comments, feedback or complaints regarding this legislation, please contact your State Member of Parliament:**

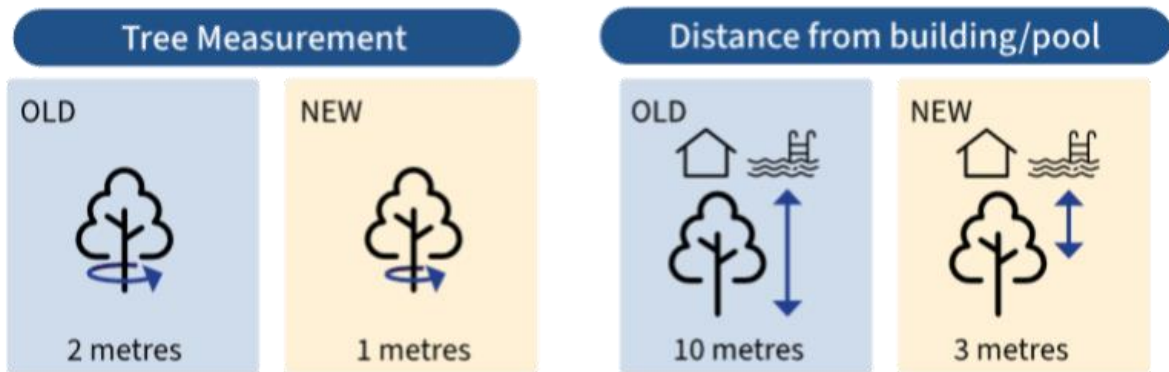
Electorate	Member/Email	Electorate	Member/Email
Enfield	Hon Andrea Michaels enfield@parliament.sa.gov.au	Ramsay	Hon Zoe Bettison ramsay@parliament.sa.gov.au
Florey	Michael Brown florey@parliament.sa.gov.au	Taylor	Hon Nick Champion taylor@parliament.sa.gov.au
King	Rhiannon Pearce king@parliament.sa.gov.au	Torrens	Dana Wortley torrens@parliament.sa.gov.au
Playford	John Fulbrook playford@parliament.sa.gov.au	Wright	Hon Blair Boyer wright@parliament.sa.gov.au
Port Adelaide	Hon Susan Close ptadelaide@parliament.sa.gov.au		



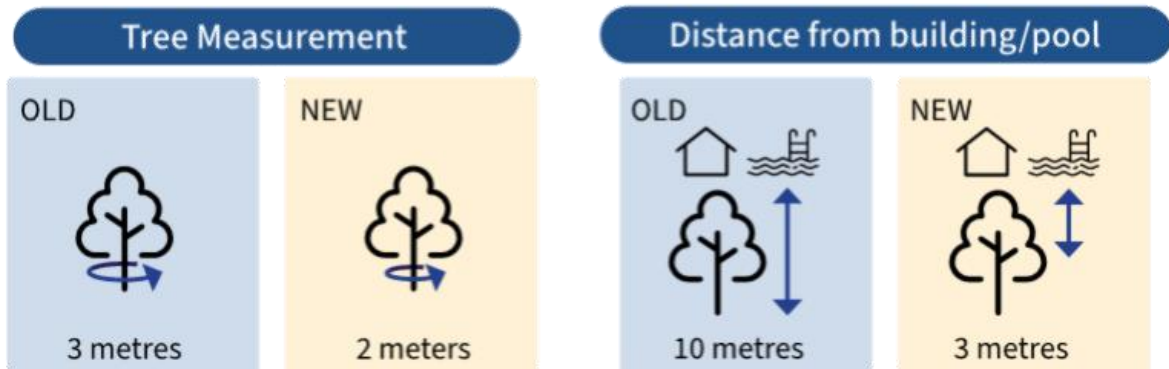
A general summary of the main changes is shown in the diagrams below.  
There are a number of exemptions where development approval is **not required**  
- please refer to information provided by PlanSA for these.

Further information on Regulated and Significant Tree Reforms can be found on the Plan SA website: [plan.sa.gov.au](http://plan.sa.gov.au)

### Regulated Tree Specifications



### Significant Tree Specifications





## Tree Removal Request Template Suite

Administration Determination Template Suite – Letters 1a, 1b, 1c, 1d, 1e

*Letter 1a – Administration approved removal of a non-regulated/significant tree*

<b>Salutation</b>	Dear <<Salutation>>
<b>Subject</b>	<b>Decision Notification – Removal of Council Owned Tree at &lt;&lt;Address/location&gt;&gt; – &lt;&lt;Council Ward Name&gt;&gt;</b>

<b>Paragraph 1</b>	I write in response to the request for removal of a Council owned tree located at <<address/location>>.	<b>OR</b>	I write in response to the request submitted by <<Cr's name>> on your behalf for removal of a Council owned tree located at <<address/location>>.
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<b>Paragraph 2</b>	Staff have inspected the tree in line with the approved Tree Removal Procedure under Council's <a href="#">Tree Management Policy</a> and I wish to advise that approval has been granted for its removal.
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<b>Paragraph 3</b>	<b>Removal Details – Generic</b>	<b>OR</b>	<b>Removal Details - Specific Species</b>
	Council's contractors have been engaged to undertake the removal and it is expected that this work will be completed within the next 8 to 10 weeks.		Council's contractors have been engaged to undertake the removal, however, due to the species of the tree, please note that its removal requires a two-step process being: <ol style="list-style-type: none"> <li>1. Treatment of the tree prior to removal which prevents suckering (allow 8 to 10 weeks to take effect); followed by</li> <li>2. Removal of the tree.</li> </ol> We thank you for your patience through this process.

<b>Paragraph 4</b>	It is Council's standard practice that a replacement tree be replanted where a tree is removed, however, if Council deems that there is insufficient room at the location, then a tree will be planted elsewhere within the City of Salisbury.
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<b>Paragraph 5</b>	If you have any further questions in relation to this matter, please contact me on 8406 8222.
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<b>Close</b>	Yours <<sincerely/faithfully>>  Signature Block
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<b>Postscript etc</b>	cc <<Ward Councillors>>
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*Letter 1b – Administration DA approved removal of a regulated/significant tree*

<b>Salutation</b>	Dear <<Salutation>>
<b>Subject</b>	<b>Decision Notification – Development Application Approved for Removal of Council Owned Regulated/Significant Tree at &lt;&lt;Address/location&gt;&gt; – &lt;&lt;Council Ward Name&gt;&gt;</b>

<b>Paragraph 1</b>	I write in response to the request for removal of a Council owned tree located at <<address/location>>.	<b>OR</b>	I write in response to the request submitted by <<Cr's name>> on your behalf for removal of a Council owned tree located at <<address/location>>.
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<b>Paragraph 2</b>	On inspection, staff noted that the tree qualifies as <<regulated/significant>> under the State Government's <i>Planning, Development and Infrastructure Act 2016</i> (PDI Act) as amended on 16 May 2024, and therefore undertook the assessment in line with the PDI Act's criteria and subsequently lodged a Development Application requesting approval for its removal.
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<b>Paragraph 3</b>	I wish to advise that Development Approval has been granted in line with the requirements outlined in the PDI Act.
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	<b>Removal Details – Generic</b>		<b>Removal Details - Specific Species</b>
<b>Paragraph 4</b>	Council's contractors have been engaged to undertake the removal and it is expected that this work will be completed within the next 8 to 10 weeks.	<b>OR</b>	<p>Council's contractors have been engaged to undertake the removal, however, due to the species of the tree, please note that its removal requires a two-step process being:</p> <ol style="list-style-type: none"> <li>1. Treatment of the tree prior to removal which prevents suckering (allow 8 to 10 weeks to take effect); followed by</li> <li>2. Removal of the tree.</li> </ol> <p>We thank you for your patience through this process.</p>

<b>Paragraph 5</b>	<p>It is important to note that the following requirements to replace and replant trees is a condition of the planning consent under the PDI Act:</p> <ul style="list-style-type: none"> <li>• 2 trees to replace the removal of a regulated tree; or</li> <li>• 3 trees to replace the removal of a significant tree;</li> </ul> <p>however, please note, if Council determines that there is insufficient room at the location, then the replacement trees will be planted elsewhere within the City of Salisbury.</p>
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<b>Paragraph 6</b>	If you have any further questions in relation to this matter, please contact me on 8406 8222.
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<b>Close</b>	Yours <<sincerely/faithfully>> Signature Block
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<b>Postscript etc</b>	cc <<Ward Councillors>>
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*Letter 1c – Administration refused removal of a non-regulated/significant tree*

<b>Salutation</b>	Dear <<Salutation>>		
<b>Subject</b>	<b>Decision Notification – Refused Removal of Council Owned Tree at &lt;&lt;Address/location&gt;&gt; – &lt;&lt;Council Ward Name&gt;&gt;</b>		
<b>Paragraph 1</b>	I write in response to the request for removal of a Council owned tree located at <<address/location>>.	<b>OR</b>	I write in response to the request submitted by <<Cr's name>> on your behalf for removal of a Council owned tree located at <<address/location>>.
<b>Paragraph 2</b>	Staff have inspected the tree in line with the approved Tree Removal Procedure under Council's <a href="#">Tree Management Policy</a> .		
<b>Paragraph 3</b>	<b>No Further Action by Staff</b> I wish to advise that as the assessment findings resulted in the tree not meeting the required removal criteria, the tree will be retained.	<b>OR</b>	<b>Pruning to be undertaken by Staff</b> I wish to advise that as the assessment findings resulted in the tree not meeting the required removal criteria, the tree will be retained, however, pruning is to be undertaken and this work should be completed within 8 to 10 weeks.
<b>Paragraph 4</b>	If you would like further information on the Tree Management Policy, you can view this <a href="#">link</a> , or visit our website at <a href="https://www.salisbury.sa.gov.au/council/council-plans-and-registers/policies/">https://www.salisbury.sa.gov.au/council/council-plans-and-registers/policies/</a> .		
<b>Paragraph 5</b>	Should you not be satisfied with this determination, you have the right to appeal the decision. All appeals must be submitted in writing and marked to the attention of Nigel John, Team Leader Parks & Landscapes either via mail addressed to 34 Church Street, Salisbury or via email to <a href="mailto:city@salisbury.sa.gov.au">city@salisbury.sa.gov.au</a> .		
<b>Paragraph 6</b>	Once your appeal has been received the following process will occur:  <ol style="list-style-type: none"> <li>1. The matter will be reported to a meeting of Council's Environmental Sustainability and Trees Sub Committee.</li> <li>2. The Environmental Sustainability and Trees Sub Committee will consider the appeal and will exercise their delegated authority to either retain or remove the tree.</li> <li>3. Staff will then advise you of the decision.</li> </ol>		
<b>Paragraph 7</b>	Please note that you can contact your local Ward Councillor for assistance anytime throughout the appeal process. I have included their contact information below:  <ul style="list-style-type: none"> <li>• &lt;&lt;Ward Councillor 1 Details&gt;&gt;</li> <li>• &lt;&lt;Ward Councillor 2 Details&gt;&gt;</li> </ul>		
<b>Paragraph 8</b>	If you have any questions in relation to this matter, please contact me on 8406 8222.		
<b>Close</b>	Yours <<sincerely/faithfully>> Signature Block		
<b>Postscript etc</b>	cc <<Ward Councillors>>		

*Letter 1d – Administration refused removal of a regulated/significant tree*

<b>Salutation</b>	Dear <<Salutation>>
<b>Subject</b>	<b>Decision Notification – Refused Removal of Council Owned Regulated/Significant Tree at &lt;&lt;Address/location&gt;&gt; - &lt;&lt;Council Ward Name&gt;&gt;</b>

<b>Paragraph 1</b>	I write in response to the request for removal of a Council owned tree located at <<address/location>>.	<b>OR</b>	I write in response to the request submitted by <<Cr's name>> on your behalf for removal of a Council owned tree located at <<address/location>>.
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<b>Paragraph 2</b>	Under the State Government's <i>Planning, Development and Infrastructure Act 2016</i> (PDI Act) as amended on 16 May 2024, where a tree has a circumference greater than one (1) metre, it qualifies as either a regulated or significant tree and any consideration for removal is subject to assessment against strict criteria under the PDI Act as well as requiring the lodgement of a Development Application via the State Government's Planning Portal.
<b>Paragraph 3</b>	On inspection, staff noted that the tree qualifies as <<regulated/significant>> under the PDI Act, and therefore undertook a preliminary assessment in line with the criteria mentioned above.
<b>Paragraph 4</b>	In line with the outcome of that preliminary assessment it is unlikely that removal would be approved under the State Government's legislation. As such it is our determination that the tree be retained and that no Development Application for removal be lodged at this time.
<b>Paragraph 5</b>	Should you not be satisfied with this determination, you have the right to appeal the decision. All appeals must be submitted in writing and marked to the attention of Nigel John, Team Leader Parks & Landscapes either via mail addressed to 34 Church Street, Salisbury or via email to <a href="mailto:city@salisbury.sa.gov.au">city@salisbury.sa.gov.au</a> .
<b>Paragraph 6</b>	<p>Once your appeal has been received the following process will occur:</p> <ol style="list-style-type: none"> <li>1. The matter will be reported to a meeting of Council's Environmental Sustainability and Trees Sub Committee.</li> <li>2. The Environmental Sustainability and Trees Sub Committee will consider the appeal and will exercise their delegated authority to either retain the tree or support the appeal for removal.</li> <li>3. In the case where the Environmental Sustainability and Trees Sub Committee supports the appeal for removal of a regulated or significant tree, their recommendation will be formally considered by Council.</li> <li>4. Should Council agree to support the lodgement of a Development Application (DA), staff will commence the required process.</li> </ol> <p><i>It is important to note that this is a separate and additional process under State Government legislation that requires the nominated assessment manager to assess the proposal against the Planning and Design Code criteria (State Government code as determined by the Minister for Planning).</i></p> <ol style="list-style-type: none"> <li>5. Once the assessment under the PDI Act has been undertaken, you will be advised of the decision, whether it be to retain or remove the tree.</li> </ol>

<b>Paragraph 7</b>	<p>Please note that you can contact your local Ward Councillor for assistance anytime throughout the appeal process. I have included their contact information below:</p> <ul style="list-style-type: none"> <li>• &lt;&lt;Ward Councillor 1 Details&gt;&gt;</li> <li>• &lt;&lt;Ward Councillor 2 Details&gt;&gt;</li> </ul>
<b>Paragraph 8</b>	<p>I would like to reaffirm that as the tree qualifies as &lt;&lt;regulated/significant&gt;&gt; Council is obligated to make determinations within the confines of the new regulations determined by the State Government and therefore Council is unable to influence or change any tree removal development application determination.</p>
<b>Paragraph 9</b>	<p>For further information regarding the new legislation relating to regulated or significant trees, please refer to the following links:</p> <ul style="list-style-type: none"> <li>• State Government references on the new legislation - <a href="#">FAQ - Protecting regulated and significant trees.pdf (plan.sa.gov.au)</a></li> <li>• City of Salisbury's Advisory Notice on State Government legislation changes relating to Regulated/Significant trees</li> </ul> <p>and, if you have further questions or concerns relating to these changes, I encourage you to contact your State Member of Parliament.</p>
<b>Paragraph 10</b>	<p>If you have any questions in relation to this matter, please contact me on 8406 8222.</p>
<b>Close</b>	<p>Yours &lt;&lt;sincerely/faithfully&gt;&gt; Signature Block</p>
<b>Postscript etc</b>	<p>cc &lt;&lt;Ward Councillors&gt;&gt;</p>

*Letter 1e – Acknowledgement of Appeal Request*

<b>Salutation</b>	Dear <<Salutation>>
<b>Subject</b>	<b>Acknowledgement for Receipt of Appeal Request – Removal of Council Owned Tree at &lt;&lt;Address/location&gt;&gt; – &lt;&lt;Council Ward Name&gt;&gt;</b>

<b>Paragraph 1</b>	I write to acknowledge receipt of the request to appeal the decision to retain a tree located at <<address/location>>.	<b>OR</b>	I write to acknowledge receipt of the request by <<Councillors name>> on your behalf, to appeal the decision to retain a tree located at <<address/location>>
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<b>Paragraph 2</b>	Please be advised that this matter is now referred to Council’s Environmental Sustainability and Tree Sub Committee and will be considered at its meeting to be held on <<date>>.
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<b>Paragraph 3</b>	<p>Please note that you can contact your local Ward Councillor for assistance anytime throughout the appeal process. I have included their contact information below:</p> <ul style="list-style-type: none"> <li>&lt;&lt;Ward Councillor 1 Details&gt;&gt;</li> <li>&lt;&lt;Ward Councillor 2 Details&gt;&gt;</li> </ul>
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<b>Paragraph 4</b>	I will advise you of Council’s determination in due course.
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<b>Close</b>	Yours <<sincerely/faithfully>> Signature Block
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<b>Postscript etc</b>	cc <<Ward Councillors>>
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Appealed – ESAT/Council Determination Template Suite – Letters 2a, 2b, 2c

*Letter 2a – Appealed - ESAT Upheld refusal of removal of a non-regulated/significant tree OR regulated/significant tree*

Salutation	Dear <<Salutation>>
Subject	<b>Appeal Decision Notification – Refused Removal of Council Owned Tree at &lt;&lt;Address/location&gt;&gt; – &lt;&lt;Council Ward Name&gt;&gt;</b>
Paragraph 1	Further to our previous communications, I write to advise of the outcome of the appeal process undertaken in relation to the request for removal of the Council owned tree at <<address/location>>.
Paragraph 2	Council’s Environmental Sustainability and Trees Sub Committee considered the request and, using its delegated authority, determined that the request for removal not be granted.
Paragraph 3	This decision now concludes the tree removal appeal process and in line with Council’s approved Tree Management Policy, further requests for removal will not be considered within a 12-month period from the date of this letter unless there is significant change in the trees health.
Paragraph 4	If you would like to seek further clarification on this matter, please contact me on 8406 8222 or either of your Ward Councillors on: <ul style="list-style-type: none"> <li>• &lt;&lt;Ward Councillor 1 Details&gt;&gt;</li> <li>• &lt;&lt;Ward Councillor 2 Details&gt;&gt;</li> </ul>
Close	Yours <<sincerely/faithfully>> Signature Block
Postscript etc	cc <<Ward Councillors>>

*Letter 2b – Appealed - ESAT Approved removal of a non-regulated/significant tree*

<b>Salutation</b>	Dear <<Salutation>>
<b>Subject</b>	<b>Appeal Decision Notification – Removal of Council Owned Tree at</b> <<Address/location>> – <<Council Ward Name>>
<b>Paragraph 1</b>	Further to our previous communications, I write to advise of the outcome of the appeal process undertaken in relation to the request for removal of the Council owned tree at <<address/location>>.
<b>Paragraph 2</b>	Council’s Environmental Sustainability and Trees Sub Committee considered the request and, using its delegated authority, determined that the removal request be granted.

	<b>Removal Details - Generic</b>		<b>Removal Details - Specific Species</b>
<b>Paragraph 3</b>	Council’s contractors have been engaged to undertake the removal and it is expected that this work will be completed within the next 8 to 10 weeks.	<b>OR</b>	Council’s contractors have been engaged to undertake the removal, however, due to the species of the tree, please note that its removal requires a two-step process being: <ol style="list-style-type: none"> <li>1. Treatment of the tree prior to removal which prevents suckering (allow 8 to 10 weeks to take effect); followed by</li> <li>2. Removal of the tree.</li> </ol> We thank you for your patience through this process.

<b>Paragraph 4</b>	It is Council’s standard practice that a replacement tree be replanted where a tree is removed; however, if Council deems that there is insufficient room at the location, then a tree will be planted elsewhere within the City of Salisbury.
<b>Paragraph 5</b>	If you have any questions in relation to this matter, please contact me on 8406 8222.
<b>Close</b>	Yours <<sincerely/faithfully>> Signature Block
<b>Postscript etc</b>	cc <<Ward Councillors>>



*Letter 2c – Appealed - ESAT/Council Supported removal of a regulated/significant tree and subsequent lodgement of Development Application*

<b>Salutation</b>	Dear <<Salutation>>
<b>Subject</b>	<b>Appeal Decision Notification – Support for Removal Request of Council Owned Tree at &lt;&lt;Address/location&gt;&gt; – &lt;&lt;Council Ward Name&gt;&gt;</b>
<b>Paragraph 1</b>	Further to our previous communications, I write to advise of the outcome of the appeal process undertaken in relation to the request for removal of the Council owned tree at <<address/location>>.
<b>Paragraph 2</b>	Council considered the request and determined to support the request for removal. As a result, a Development Application for its removal will be submitted for consideration.
<b>Paragraph 3</b>	It is important to note that this is a separate and additional process under State Government legislation that requires the nominated assessment manager (in this case Council’s Planning staff) to assess the proposal against the Planning and Design Code criteria.
<b>Paragraph 4</b>	I would like to reaffirm that as the tree qualifies as <<regulated/significant>> Council is obligated to make determinations within the confines of the new regulations adopted by the State Government and therefore are unable to influence or change any tree removal development application determination.
<b>Paragraph 5</b>	Once the assessment under the PDI Act has been undertaken, you will be advised of the decision, whether it be to retain or remove the tree.
<b>Paragraph 6</b>	For further information regarding the new legislation relating to regulated or significant trees, please refer to the following links: <ul style="list-style-type: none"> <li>• State Government references on the new legislation - <a href="#">FAQ - Protecting regulated and significant trees.pdf (plan.sa.gov.au)</a></li> <li>• City of Salisbury’s Advisory Notice on State Government legislation changes relating to Regulated/Significant trees</li> </ul> and, if you have further questions or concerns relating to these changes, I encourage you to contact your State Member of Parliament.
<b>Close</b>	Yours <<sincerely/faithfully>> Signature Block
<b>Postscript etc</b>	cc <<Ward Councillors>>

Appealed – Development Application Determination Template Suite – Letters 3a, 3b

*Letter 3a – Appealed – Development Application determination outcome – approved removal of a regulated/significant tree*

Salutation	Dear <<Salutation>>
Subject	<b>Appeal Outcome – Development Application Decision Notification – Approved Removal Request of Council Owned Regulated/Significant Tree at &lt;&lt;Address/location&gt;&gt; – &lt;&lt;Council Ward Name&gt;&gt;</b>
Paragraph 1	Further to our previous communications, I write to advise of the outcome of the Development Application assessment for the removal of the Council owned <<regulated/significant>> tree at <<address/location>>.
Paragraph 2	I wish to advise that Development Approval has been granted in line with the requirements outlined in the <i>Planning, Development and Infrastructure Act 2016</i> (PDI Act).

	<b>Removal Details - Generic</b>	<b>OR</b>	<b>Removal Details - Specific Species</b>
Paragraph 3	Council’s contractors have been engaged to undertake the removal and it is expected that this work will be completed within the next 8 to 10 weeks.		<p>Council’s contractors have been engaged to undertake the removal, however, due to the species of the tree, please note that its removal requires a two-step process being:</p> <ol style="list-style-type: none"> <li>1. Treatment of the tree prior to removal which prevents suckering (allow 8 to 10 weeks to take effect); followed by</li> <li>2. Removal of the tree.</li> </ol> <p>We thank you for your patience through this process.</p>

Paragraph 4	<p>It is important to note that the following requirements to replace and replant trees is a condition of the planning consent under the PDI Act:</p> <ul style="list-style-type: none"> <li>• 2 trees to replace the removal of a regulated tree; or</li> <li>• 3 trees to replace the removal of a significant tree;</li> </ul> <p>however, please note, if Council determines that there is insufficient room at the location, then the replacement trees will be planted elsewhere within the City of Salisbury.</p>
Paragraph 5	If you have any questions in relation to this matter, please contact me on 8406 8222.
Close	Yours <<sincerely/faithfully>> Signature Block
Postscript etc	cc <<Ward Councillors>>

*Letter 3b – Appealed – Development Application determination outcome – refused removal of a regulated/significant tree*

Salutation	Dear <<Salutation>>
Subject	<b>Appeal Outcome – Development Application Decision Notification – Refused Removal Request of Council Owned Regulated/Significant Tree at &lt;&lt;Address/location&gt;&gt; – &lt;&lt;Council Ward Name&gt;&gt;</b>
Paragraph 1	Further to our previous communications, I write to advise of the outcome of the Development Application assessment for the removal of the Council owned <<regulated/significant>> tree at <<address/location>>.
Paragraph 2	I wish to inform that the request for removal has been denied and that this determination is final and concludes the appeal process. In line with Council’s approved Tree Management Policy, further requests for removal will not be considered within a 12-month period from the date of this letter.
Paragraph 3	I would like to reaffirm that as the tree qualifies as <<regulated/significant>> this determination has been made within the confines of the new regulations adopted by the State Government and therefore Council can not assist any further in this matter.
Paragraph 4	For further information regarding the new legislation relating to regulated or significant trees, please refer to the following links: <ul style="list-style-type: none"> <li>• State Government references on the new legislation - <a href="#">FAQ - Protecting regulated and significant trees.pdf (plan.sa.gov.au)</a></li> <li>• City of Salisbury’s Advisory Notice on State Government legislation changes relating to Regulated/Significant trees</li> </ul> and, if you have further questions or concerns relating to these changes, I encourage you to contact your State Member of Parliament.
Close	Yours <<sincerely/faithfully>> Signature Block
Postscript etc	cc <<Ward Councillors>>

Members of Parliament Requests on behalf of Constituents

*Letter 4 – Letter to State Members of Parliament who have written to Council on behalf of constituents requesting removal of a Council owned regulated/significant tree*

Salutation	Dear <<Salutation>>
Subject	<b>Removal Request for Council Owned Tree at &lt;&lt;Address/location&gt;&gt;</b>
Paragraph 1	Thank you for your letter dated <<date>> on behalf of your constituent, <<name/address>> requesting consideration for the removal of the <<regulated/significant>> tree at <<address/location>>.
Paragraph 2	<b>Paragraph regarding history of request</b>
Paragraph 3	The City of Salisbury receives between 800 and 1000 requests for tree removals each year and due to either administration’s determination or a formal Council resolution, these requests result in the lodgement of more than 150 development applications annually, with a large number subsequently refused as they fail to meet the previous removal criteria set out in the <i>Planning, Development, and Infrastructure Act 2016</i> .
Paragraph 4	The recent amendments to the <i>Planning, Development, and Infrastructure (General) (Regulated and Significant Trees) Amendment Regulations 2024</i> that came into effect on 16 May 2024 has seen the number of regulated and significant trees across the City of Salisbury increase by over 22,500.
Paragraph 5	Consequently, it is anticipated that the number of refusal determinations issued by Council will significantly increase resulting in the dissatisfaction of residents requesting tree removals. Not only will this impact Council’s tree management administrative functions, but it also has the potential for dissatisfied applicants to reach out to their State Members of Parliament requesting them to advocate for tree removals on their behalf.
Paragraph 6	As you are aware, we are obligated to operate within the new regulations adopted by the State Government and therefore we are unable to influence or change the tree removal development application determination, however, if you wish to advocate for your constituent further, I suggest that the matter be referred to the Minister for Planning.
Paragraph 7	I would like to take this opportunity to respectfully request that when liaising with your constituents in relation to tree removals that you advise them of the State Government’s legislation changes and encourage them to refer to following Plan SA online references: <ul style="list-style-type: none"> <li>• <a href="#">FAQ - Protecting regulated and significant trees.pdf (plan.sa.gov.au)</a></li> <li>• <a href="#">Significant and regulated trees   PlanSA</a></li> </ul>
Close	Yours sincerely Gillian Aldridge <b>Mayor</b>
Postscript etc	cc <<Ward Councillors>>

# Frequently Asked Questions



## Protecting Regulated and Significant Trees

A brief overview of the legislative controls in place to protect trees in metropolitan Adelaide and townships in the Adelaide Hills Council or parts of the Mount Barker Council.

### Q – What is a regulated tree?

A – The *Planning, Development and Infrastructure Act 2016* (the Act), *Planning, Development and Infrastructure (General) Regulations 2017* (the Regulations), and *Planning and Design Code* (the Code) provide that a 'regulated tree' is:

- Any tree within the Regulated and Significant Tree Overlay in the Code (see map below) with a trunk circumference of 1.0 metre or more measured at a point 1.0 metre above natural ground level (or in the case of trees with multiple trunks, it is those with trunks with a total circumference of 1.0 metre or more and an average circumference of 310 millimetres or more measured at a point 1.0 metre above natural ground level); or
- Any tree identified as a significant tree in Part 10 of the Code.

### Q – What is a significant tree?

A – The Act and Regulations provide that a 'significant tree' is:

- A regulated tree with a trunk circumference of 2.0 metres or more measured at a point 1.0 metre above natural ground level (in the case of trees with multiple trunks, it is those with trunks with a total circumference of 2.0 metres or more and an average circumference of 625 millimetres or more measured at a point 1.0 metres above natural ground level); or
- Any tree identified as a significant tree in Part 10 of the Code.

### Q – What activities affecting regulated and significant trees are controlled?

A – Subject to a number of exceptions, the Act provides that any activity that damages a 'regulated tree' is 'development' and as such, requires development approval.

Specifically, development approval is required for removal, killing or destruction, branch or limb lopping, ringbarking or topping, or any other substantial damage to a regulated tree, including to its root system.

www.plan.sa.gov.au  
PlanSA@sa.gov.au  
PlanSA Service Desk 1800 752 664



Government of South Australia  
Department for Trade  
and Investment

**Q – What are the exceptions where development approval is not required?**

**A –** The requirement to obtain approval under the Act does not apply if:

- the activity being carried out is maintenance pruning that is not likely to adversely affect the general health and appearance of the tree;
- the activity being carried out does not remove more than 30% of the crown of the tree (and does not occur more than every 5 years) and is required to remove dead or diseased wood, or to remove branches that pose a material risk to buildings or areas frequently used by people (it was held in *The City of Unley v Crichton & Anor* [2021] SASC 17 dead branches do not form part of the crown of a living tree);
- other than in relation to a State Heritage Place, to remove a tree if:
  - the tree is within 20 m of a dwelling in a Medium or High Bushfire Risk area within a Hazards (Bushfire Protection) Overlay in the Code;
  - the tree is dead;
  - the tree is on land under the care and control of the Minister who has primary responsibility for the environment and conservation in the State;
  - the tree is on land under the care and control of the Board of the Botanic Gardens and State Herbarium; or
  - the tree is on land on which development for the purposes of social infrastructure is being carried out by or on behalf of the Minister responsible for the administration of the *Highways Act 1926*, provided the Minister ensures either replacement trees are planted, or payment into a relevant tree fund occurs.
- the activity is being carried out under Part 5 of the *Electricity Act 1996* (relating to the cutting and trimming of trees around powerlines);
- the activity is being carried out in connection with an order under section 254 of the *Local Government Act 1999* (order to remove overgrown vegetation or trees); or
- other than in relation to a tree declared as a significant tree in the Code, to remove a tree if:
  - the tree is located within 3 m of an existing dwelling or an existing in-ground swimming pool (other than in relation to a Willow Myrtle, Eucalyptus, Angophora or Corymbia);
  - the tree's species is listed in a notice from the Minister for Planning on the SA Planning Portal;
  - the tree belongs to a class of plants declared by the relevant Minister under Part 9, Division 1 of the *Landscape South Australia Act 2019* (declared pest plants);
  - the tree may not be cleared without the consent of the Native Vegetation Council under the *Native Vegetation Act 1991*; or
  - the tree has been planted as part of woodlots, orchards or other plantations created for the purposes of harvesting the trees or produce.

**Q – What is maintenance pruning?**

**A –** The Act and Regulations do not define or specify what may comprise maintenance pruning. It is, however, envisaged that the thinning of the crown of a tree or formative pruning of young trees in circumstances that would not adversely affect the general health and appearance of the tree would be appropriate to undertake without having obtained development approval.



**Q – Is my tree species exempt from the controls?**

**A** – The Minister has declared a range of tree species that are exempt from regulated tree protections. If your tree is one of these species, the regulated tree controls do not apply unless the tree is also identified as a significant tree in the Code. The species listed in the Minister's declaration are primarily limited to:

- exotic species;
- trees considered to have a medium to high risk for limb failure and infrastructure damage; and
- common trees planted in urban areas.

The species declared to be exempt are located in the [Minister's notice](#).

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

**A** – Pruning back a tree branch or branches (or a tree's roots where necessary) that are encroaching on your property can occur without seeking approval, provided it:

- is considered maintenance pruning (see above); or
- removes no more than 30% of the crown of the tree (and does not occur more than every 5 years) and is required to remove dead or diseased wood, or to remove branches that pose a material risk to buildings or areas frequently used by people.

Where the pruning does not meet these requirements, you will be required to seek development approval for any works on your side of the property boundary.

**Q – When is approval required for pruning?**

**A** – Approval would be required in the following cases:

- where the pruning would remove more than 30% of a tree's crown, would occur more than once every 5-years, or is not required to remove dead or diseased wood or to remove branches that pose a material risk to buildings or areas frequently used by people; or
- any other type of pruning, other than maintenance pruning.

**Q – Do I need a report from an arborist to support my application to remove a regulated or significant tree?**

**A** – A relevant authority cannot request an applicant to provide an expert or technical report for assessment of an application to remove a regulated tree (that is not a significant tree), unless they consider that special circumstances apply.

A relevant authority may request an applicant to provide an expert or technical report to assist with assessment of an application to remove a significant tree.

**Q – Do I need to plant replacement trees if I remove a regulated or significant tree?**

**A** – If your application to remove a regulated or significant tree is approved, a condition will apply requiring that replacement trees are planted or that money be paid into a fund. You can elect which option you wish to undertake.

Replacement trees should not be planted within 3 metres of an existing dwelling or in-ground swimming pool and should not be one of the exempt tree species identified in the Minister's declaration.

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

**A** – As above, no approval is required to remove a dead tree.

**Q – Where do the controls apply?**

**A** – The controls apply within the Regulated and Significant Tree Overlay in the Code. More detailed mapping of this Overlay can be found on the South Australian Property and Planning Atlas.

It should be noted that some parts of metropolitan Adelaide are also currently covered by the *Native Vegetation Act 1991*, which provides protection to native tree species. In these areas, regulated trees that are not protected by the *Native Vegetation Act 1991* will be protected by the *Planning, Development and Infrastructure Act 2016* controls. Country areas will continue to be protected by the *Native Vegetation Act 1991*.

**Q – Who assesses an application regarding a regulated or significant tree?**

**A** – The Assessment Manager of the relevant council is usually responsible for assessing a development application with respect to regulated and significant trees.

**Q – What are the fees?**

**A** – Most development applications involving a regulated tree or trees will incur a fee. Fees are set out in the Planning, Development and Infrastructure (Fees) Notice (as varied from time to time) and are updated annually.

**Q – How are applications assessed?**

**A** – A development application involving a regulated or significant tree must be lodged on the PlanSA portal, or at the principal office of the relevant authority (usually the council within which the tree is located). The application is assessed against the relevant provisions of the Code.

Planning policies have been included in the Code to enable authorities to make appropriate balanced decisions when considering applications for tree removal. Once the application is made, the relevant authority can approve, approve with conditions, or refuse the proposed 'development' relating to the regulated or significant tree.



**Q – What if a land owner objects to a decision?**

**A –** An applicant has the right to appeal to the Environment, Resources and Development Court (the 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.

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**Q – What if urgent work is needed to make a tree safe?**

**A –** 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 a council). As soon as practicable after the emergency work is undertaken, the owner of the regulated or significant tree must lodge a development application for the work undertaken.

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**Q – What are the penalties and remedies for non-compliance?**

**A –** Breaches of the provisions relating to regulated or significant trees will be enforced using the provisions of the Act that apply to all other types of development. For the most part, the person who undertakes the work to the regulated or significant tree will be the person responsible for the breach, but the owner of the land where the tree is located may also be responsible. Fines of up to \$120,000 may apply if breaches are proven.

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<b>ITEM</b>	ESATS4
	<b>ENVIRONMENTAL SUSTAINABILITY AND TREES SUB COMMITTEE</b>
<b>DATE</b>	12 August 2024
<b>HEADING</b>	Impacts of Amendments to the Planning, Development and Infrastructure Regulations regarding Regulated and Significant Trees
<b>AUTHORS</b>	Elizabeth MacGillivray, Team Leader Natural Spaces and Environmental Management, City Infrastructure Nigel John, Team Leader Parks & Landscape, City Infrastructure
<b>CITY PLAN LINKS</b>	1.1 Our City is attractive and well maintained 4.2 We deliver quality outcomes that meet the needs of our community
<b>SUMMARY</b>	Changes to the regulations of the <i>Planning, Development and Infrastructure Act (2016)</i> regarding Regulated trees were gazetted on 16 <sup>th</sup> May 2024. The changes have increased the number of trees now considered to be Regulated or Significant by reducing the prescribed trunk circumference size, reducing exemption distance from dwellings and swimming pools and increasing the number of species excluded from the exemption distance. Other changes include limitations to pruning and increasing the offset fees for the removal of trees. It has been estimated that of the 77,400 Council street trees, 37% now qualify as Regulated or Significant. The regulatory changes will have a number of impacts on multiple teams within the organisation. The changes have been in effect for only two months, so impacts and costs are still being quantified. As a conservative estimate, with four times as many trees now considered to be Regulated or Significant, the resources required may also be up to four times current allowances.

**RECOMMENDATION**That Council:

1. Notes that educational materials on the changes in State Government legislation relating to regulated and significant trees will be included in responses to community requests as well as being available via the City of Salisbury website and social media posts.
2. Notes that a further report will be presented to the Environmental Sustainability and Trees Sub Committee in January 2025 that will consider the financial and resource implications of the revised regulations.

**ATTACHMENTS**

There are no attachments to this report.

## 1. BACKGROUND

- 1.1 On 16 May 2024 the Minister for Planning introduced changes to the regulations for Regulated and Significant Trees to address key recommendations of the Expert Panel on Planning Reforms. The changes have resulted in approximately 37% of Council's street trees now being considered Regulated or Significant. This has substantial implications for Council processes.
- 1.2 At the meeting of Council held on 27 May 2024, it was resolved that Council:
  1. *Notes the substantial changes to the regulations regarding Regulated and Significant trees.*
  2. *Requests the administration to provide a report on the cost implications from both a planning and our tree removal policy.*
  3. *Requests the Administration prepare a separate advisory notice advising of the Significant changes made by the State Government on Significant and Regulated trees to be sent to all constituents who lodge a tree removal request that is relating to either a Regulated or Significant tree.*
  4. *Requests for this advisory notice to also include Planning SA FAQ and contact details of the State Member of Parliament to raise any concerns or further questions relating to the State Government's recent changes to the management of Significant and Regulated trees.*
- 1.3 This report is provided in response to part 2 of the resolution above. Parts 3 and 4 of the resolution above have been addressed in Item ESATS3 – Tree Removal Response Letter Templates of this meeting, being the Environmental Sustainability and Trees Sub Committee, held on Monday 12 August 2024.

## 2. EXTERNAL CONSULTATION / COMMUNICATION

- 2.1 Independent arborists

## 3. DISCUSSION

- 3.1 The overwhelming regulatory / policy direction of the State Government is to strengthen the protection afforded to trees in the urban environment. The Minister for Planning requested the Expert Panel to provide early advice on this topic and on 16 May 2024 the Minister made changes to the regulations of the *Planning, Development and Infrastructure (PDI) Act*:
  - 3.1.1 Increase the number of trees now considered to be Regulated or Significant, by reducing the prescribed trunk circumference size.
  - 3.1.2 Reducing the distance to dwellings and swimming pools that excluded a tree from being Regulated and increasing the number of tree genus that are excluded from the distance rule.
  - 3.1.3 Limitations to the frequency that crown pruning can be undertaken.
  - 3.1.4 Increasing the offset fees for the removal of trees.

3.2 The key changes are summarized in the table below.

	What it was	What it is now
<b>Trunk size (circumference measured @ 1m)</b>		
Regulated trees	2m (625mm ave*)	1m (310mm ave*)
Significant trees	3m (625mm ave*)	2m (625mm ave*)
<i>*multiple trunks</i>		
<b>Exemption Distance from dwellings or swimming pools</b>		
Dwelling	10m	3m
Swimming Pool	10m	3m
<b>Species Excluded from Exemption Distance</b>		
Listed in Regs	<ul style="list-style-type: none"> <li>• Agonis Flexuosa (Willow Myrtle)</li> <li>• Eucalyptus sp.</li> </ul>	Added: <ul style="list-style-type: none"> <li>• Angophora sp.</li> <li>• Corymbia sp.</li> </ul>
<b>Canopy Pruning</b>		
Regulated trees	<30% (no time limit)	<30% / 5 years
Significant trees	<30% (no time limit)	<30% / 5 years
<b>Fees for Tree Removal or Offset</b>		
Regulated trees	\$326	\$1,000
Significant trees	\$489	\$1,500
<b>Urban Tree Canopy Offset Fee (s197)</b>		
Small tree	\$300	\$500
Medium Tree	\$600	\$1,000
Large Tree	\$1,200	\$1,500

3.3 In addition, the Minister is also:

3.3.1 Instructing the State Planning Commission to amend *...the Code to strengthen and extend tree protection policies relating to a tree's urban canopy contribution and promoting design innovation to retain large trees.*

3.3.2 Awaiting the advice of the Environment, Resources and Development Committee *in providing ...advice on further tree protections relating to canopy size, tree height and modifications to the exempt species list as part of finalizing their Inquiry into the Urban Forest.*

### Impacts on Council Street Trees

3.4 Prior to the amendments, the City of Salisbury had identified approximately 77,400 street trees across the City. Of these, 6,095 trees had been identified as Regulated or Significant under the previous criteria (7.8%). Note that this figure does not include trees in reserves or trees on land that could impact strategic land. There is limited data on Council trees located in reserves.

3.5 Following the changes to the legislation, the number of street trees now meeting the revised criteria has been estimated to be at least 28,782 (37.1%); that is a fourfold increase. This means over one third of Council street trees are now considered to be Regulated or Significant. This figure is expected to be higher as the trunk circumference data used was from auditing in 2018.

**Impacts on Planning**

Development Applications Submitted by Council

3.6 The table below provides a breakdown for development applications that have been submitted by Council for the removal of trees over the last three financial years.

FY	Approved	Refused	Total
2021/22	95	5	100
2022/23	104	31	135
2023/24	80	52	132

3.7 The development applications that were refused generally satisfied Council’s tree removal criteria, but removal was not supported by an independent Arborist’s report and therefore they did not meet the Significant/Regulated tree controls under the *Planning, Development and Infrastructure Act, 2016 (PDI Act)*.

3.8 This disparity in criteria led to a peak in refused applications in 2023, but this has reduced recently, with the Environmental Sustainability and Tree Sub-Committee (ESAT) requesting less Development Application submissions for removal of trees that were initially refused at the request stage, with the initial refusal following consultation between Field Services staff and Planning Staff to determine the likelihood of approval.

3.9 It is still to be determined if the change in regulations will result in planning receiving a consistent increase in Development Applications submitted with Arborist’s reports that do not support removal. The recommendations of the ESAT sub-committee will impact the number of Development Applications that fall in this category.

3.10 Development Applications submitted with an Arborist’s report that does not support removal, will be refused.

3.11 It should be noted that the likely conclusion from the Development Application process for tree removals will be consistent with the preliminary assessments undertaken by Administration (Council’s Arborist and Planning Staff).

3.12 When the ESAT Sub-Committee determines to make recommendations to proceed with the Development Application process, following a refusal determined by Council’s Arborist and Planning Staff, this places a Significant drain on Council resources, both staff time and funds, for Field Services and Planning staff. The estimated cost for an independent Arborist report and Development Application (DA) is \$855, which excludes staff time required through the process.

Total Development Applications

- 3.13 For the 23/24FY, the total number of Development Applications submitted for a tree damaging activity was 187, from both private applicants and Council. Of these, 136 were approved and 51 were refused.
- 3.14 Based on the figures from June 2024 for the last three years (summarised in the table below), it is likely that the total number of Development Applications submitted for tree damaging activity in 24/25 FY may be double the number submitted in 23/24 FY as a consequence of the change in regulations. With 187 Development Applications submitted in 23/24 FY, this would be in the order of 374 for 24/25 FY.

Month	Number DAs submitted
June 2022	11
June 2023	12
June 2024	25

- 3.15 Planning staff assess each application against criteria, review the documentation provided and prepare a report for each Development Application submitted. The time required for each report is estimated to be between ½ to 1 hour. The potential increase in time required for planning staff to prepare reports alone may be 10 to 12 hours per month. The assessment and review process would also require additional time.

**Impacts on Field Services**

- 3.16 The changes to the PDI Act have had a notable impact on Field Services staff responsible for managing Regulated and Significant trees in the City of Salisbury. Re-work/re-assessment was required for a number of requests received prior to the gazette date of 16<sup>th</sup> May 2024 as trees with trunk circumference between 1m and 2m were not considered Regulated prior to this date.
- 3.17 The existing areas of work that may be impacted are outlined below. Potential impacts are still being determined and new implications for the changes in the legislation are still emerging and raised by Council staff.

Recurrent Removals/Tree Requests

- 3.18 Requests for trees to be removed are received and processed each month by the Parks and Landscape team. The average number of requests for the months January to June 2024 is 53.
- 3.19 From January 2024 to April 2024, the average number of these requests that were related to non-Regulated or non-Significant trees was 44. Development Applications were not required for these trees.
- 3.20 In May 2024 (the first month impacted by the changed regulations) the number of requests related to non-Regulated or non-Significant trees was 30. This figure had reduced further to 2 in June 2024.

- 3.21 Corresponding to the decrease in the number of requests for trees that were not Regulated or Significant were increases in the number of requests for Regulated/Significant trees, increasing from an average of approximately 10 to an average of 26 over the two months of data.
- 3.22 From the limited figures available since the changes have been in place, it appears that the number of tree requests that will now be for trees that are Regulated or Significant has more than doubled.

2024	Jan	Feb	Mar	Apr	May	June
No. Tree Requests	64	47	61	59	56	34
Non Regulated/ Non Significant	44	57	46	47	30	2
Regulated/Significant	10	10	9	10	22	29

- 3.23 Of the 92 trees removed over the three months Feb – April 2024, it has been determined that 52 of those would now be considered to be Regulated. From the table above, the initial estimate is an increase in tree removal requests relating to a Regulated or Significant tree, of approximately 200%.
- 3.24 Although the administrative cost and resources related to tree removal requests are expected to increase, these additional expenses may be offset by savings achieved through not removing as many trees.
- 3.25 However, for each Regulated tree removed, legislation requires that two trees be planted as a replacement. For each Significant tree removed, legislation requires that three replacement trees be planted. The cost of planting and maintaining one tree for two years is \$500. With more street trees now being Regulated, additional replacement plantings will be required. The financial impact based on points raised in paragraph 3.20 and 3.21 will need to be reviewed in future when more data is available.

Streetscape Renewal Program

- 3.26 The streetscape renewal program contributes to the number of development applications submitted by Council for removal of a Regulated or Significant tree as street trees are removed and replaced with new plantings.
- 3.27 Due to the change in regulations, the number of Regulated or Significant trees earmarked for removal in the current renewal program is estimated to be approximately 57% (400 out of 700 trees). At this stage it is unknown how many of these will be approved for removal.
- 3.28 One of the purposes in the Streetscape Renewal Program is to replace undesired species of trees with a preferred selection of trees. With the new regulations coming into effect, Administration anticipate that there will be a reduction in the number of street trees approved for removal. A large number of street trees regarded as undesirable are therefore unlikely to be removed. Council may have to consider the future of this Program. Administration will review the Streetscape Renewal Program and provide a report in 6 months with recommendations to Council for consideration.



- 3.29 Future programs for the renewal of street trees will need to consider the revised criteria for Regulated and Significant trees during the planning stage in order to reduce the number of Regulated/Significant trees identified for removal.
- 3.30 The increase in Regulated or Significant trees results in an increase in the number of Arborist reports required to support Development Applications. For the current renewal program, the cost for each assessment by an Arborist has increased substantially due to the increase in demand in the industry. Timeframes for Arborist assessments and reporting have also been impacted due to the increase in Regulated and Significant trees. An alternate approach has been negotiated with the Arborist to improve efficiencies for the assessments and Development Applications.

#### Pruning

- 3.31 The customer request pruning and maintenance program responds to requests for pruning and is reactive in nature. This program may be impacted, however at this early stage, the scale of the impact is unclear. An example of how this program could be impacted is if 30% of a Regulated/Significant tree were to be pruned back from a private property due to a request, based on unwanted overhang, Council would be limited to undertaking any additional pruning work only after 5 years have passed.

#### Unit Pruning

- 3.32 The unit pruning program is the systematic program of pruning street trees across the City. The City is divided into 52 units, with each unit scheduled for pruning every 5 years. This pruning principally maintains access for vehicles along streets and clearance above footpaths and private land. This program is unlikely to be impacted as the amount removed is less than 30%.

#### Risk Assessment

- 3.33 Programmed risk assessments are undertaken for a number of landmark trees across the City of Salisbury. Trees identified as being in high visitation zones are assessed on a regular basis. The inspection frequency is dependent on the risk to public safety.
- 3.34 An increase in the number of Regulated and Significant trees is unlikely to have an impact on this element of tree related work as the criteria for these trees is not based on the size of the trunk.

#### General impacts

- 3.35 The sudden increase in the number of Regulated trees has strained existing operational capacities in the short term resulting in delays in response times or inspections due to heightened workloads. This spike increase in demand on resources will need to be assessed over the next few months to better predict future trends.
- 3.36 A greater number of Regulated/Significant trees also results in a higher administrative burden. Managing a larger inventory of Regulated trees includes data management, application processing and coordination with other stakeholders (both internal and external).
- 3.37 The limitation on tree removals and pruning activities is likely to lead to an increase in the number of dissatisfied residents.

- 3.38 The higher number of Regulated and Significant trees now means there is a heightened need for public awareness and engagement. Residents and property owners must be informed about the implications of the amended regulations, such as application requirements for tree removal or pruning.
- 3.39 Communication is required to residents and the wider community regarding the changes and what they mean so that community members can make informed decisions regarding tree removal requests and can understand the State Government's role in the changes.

#### Environmental Sustainability and Trees Sub-Committee (ESAT) changes

- 3.40 Private development leading to removal of a Council street tree, eg. for a new driveway, results in Council submitting a Development Application for the removal of the street tree. Previously, the developer was charged an administration fee and replanting fee to cover Council's costs related to the removal of the tree. In April 2024, Council approved ESAT's recommendation to no longer charge these fees to the developer. This means that currently the community, through Council budgets, bears most of the costs associated with removal of a Regulated or Significant street tree. The developer pays only the cost of removing the tree.

## **4. FINANCIAL OVERVIEW**

- 4.1 At this early stage, the financial impact of the changes on each impacted part of the organisation cannot be accurately quantified. It is anticipated that after six months of the new regulations, Council staff will have a better understanding of the impacts on funding and resources.
- 4.2 Broadly, given the number of street trees now considered to be Regulated or Significant is slightly over four times what it was prior to the changes (6,095 to 28,782), the impact to Council may be up to four times the current time and cost.

## **5. CONCLUSION**

- 5.1 The impacts of the changes to the *Planning Development and Infrastructure Act (2016)*, particularly quantification of the costs, are still being compiled. The changes have been in place for approximately two months and subsequent, indirect impacts are still emerging.
- 5.2 With the number of street trees now considered to be Regulated or Significant being four times the number prior to the changes in May 2024, a conservative initial estimate is four times the pre-May 2024 resources may be required.
- 5.3 A package of communication materials will be compiled to provide education and information to the community (these materials are included in Item ESATS3 - Tree Removal Response Letter Templates of this Agenda for Council's consideration). This will include updates to the City of Salisbury website, social media posts regarding the changes and other materials to summarise the changes. Communication material will emphasise that the changes are due to amendments of legislation made by the State Government.
- 5.4 A further report will be presented to the Environmental Sustainability and Trees Sub Committee in January 2025 that will consider the financial and resource implications of the revised regulations.