



Government of South Australia

Department of Planning,  
Transport and Infrastructure

ADELAIDE (CITY), ADELAIDE HILLS  
COUNCIL, BURNSIDE (CITY),  
CAMPBELLTOWN (CITY), CHARLES  
STURT COUNCIL, GAWLER (CT),  
HOLDFAST BAY (CITY), LAND NOT  
WITHIN A COUNCIL AREA  
(METROPOLITAN), LIGHT REGIONAL  
COUNCIL, MARION COUNCIL, MITCHAM  
(CITY), MOUNT BARKER (DC), NORWOOD  
PAYNEHAM & ST PETERS (CITY),  
ONKAPARINGA (CITY), PLAYFORD  
(CITY), PORT ADELAIDE ENFIELD (CITY),  
PROSPECT (CITY), SALISBURY (CITY),  
TEA TREE GULLY (CITY), UNLEY (CITY),  
WALKERVILLE COUNCIL, WEST  
TORRENS (CT)

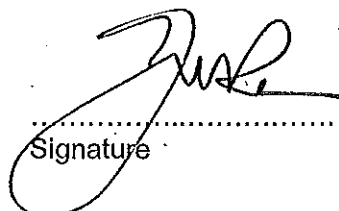
## REGULATED TREES

### Approval Development Plan Amendment

### THE AMENDMENT

By the Minister

Declared by the Minister for Planning to be an approved  
amendment under Section 26 (8), of the *Development Act*  
1993

  
.....  
Signature

15 NOV 2012

.....  
Date of Gazette

# Approval DPA

## Background

The Regulated Trees Development Plan Amendment (DPA) by the Minister amends the following Development Plan(s):

- Adelaide (City)
- Adelaide Hills Council
- Burnside (City)
- Campbelltown (City)
- Charles Sturt Council
- Gawler (CT)
- Holdfast Bay (City)
- Land Not Within a Council Area (Metropolitan)
- Light Regional Council
- Marion Council
- Mitcham (City)
- Mount Barker (DC)
- Norwood Payneham and St Peters (City)
- Onkaparinga (City)
- Playford Council
- Port Adelaide Enfield (City)
- Prospect (City)
- Salisbury (City)
- Tea Tree Gully (City)
- Unley (City)
- Walkerville Council
- West Torrens Council

This DPA was undertaken as a DPA process B, which included:

- An Initiation Document agreed on 2 June 2011
- A DPA released for concurrent agency, council and public consultation from 17 November 2011 to 25 January 2012.
- A Public Meeting was conducted by the Development Policy Advisory Committee (DPAC) Public Meeting Subcommittee on 15 February 2012.

The DPA was brought in on Interim Operation at the same time it was released for public and council consultation (17 November 2011).

## Consultation

A total of sixty eight (68) public submissions, fifteen (15) council submissions and three (3) agency submissions were received in relation to the DPA during the consultation period. Twenty (20) verbal submissions were made at the Public Meeting.

## Approval Stage

Based on a review of all submissions and the recommendations of DPAC, the following changes have been made to the Amendment:

- Amend Objective 1 to read “The conservation of regulated trees that provide important aesthetic *and/or* environmental benefit.
- Amend PDC 3 to read “Tree damaging activity other than removal should seek to maintain the *health*, aesthetic appearance and structural integrity of the tree”
- Amend Objective 2 (a) and (b) to read  
“(a) significantly contributes to the character or visual amenity of the ~~local~~  
*area locality*” and  
“(b) indigenous to the ~~local-area~~ *locality*”

**ADELAIDE (CITY), ADELAIDE HILLS COUNCIL, BURNSIDE (CITY), CAMPBELLTOWN (CITY), CHARLES STURT COUNCIL, GAWLER (CT), HOLDFAST BAY (CITY), LAND NOT WITHIN A COUNCIL AREA (METROPOLITAN), LIGHT REGIONAL COUNCIL, MARION COUNCIL, MITCHAM (CITY), MOUNT BARKER (DC), NORWOOD PAYNEHAM & ST PETERS (CITY), ONKAPARINGA (CITY), PLAYFORD (CITY), PORT ADELAIDE ENFIELD (CITY), PROSPECT (CITY), SALISBURY (CITY), TEA TREE GULLY (CITY), UNLEY (CITY), WALKERVILLE COUNCIL, WEST TORRENS (CT)**

**REGULATED TREES**

**Development Plan Amendment**

**By the Minister**

**THE AMENDMENT**

# Development Act 1993

## Amendment Instructions Table – Development Plan Amendment

**Name of Local Government Area: Adelaide City Council**

**Name of Development Plan: Adelaide (City) Development Plan**

**Name of DPA: Regulated Trees Development Plan Amendment**

*The following amendment instructions (at the time of drafting) relate to the Adelaide (City) Development Plan consolidated on 25 October 2012. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

### **Amendment instructions**

*To give effect to the amendments authorised for Interim Operation on 17 November 2011 except where varied as follows:*

Amendment Instruction Number	Method of Change	Detail what is to be replaced or deleted or detail where new policy is to be inserted.	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
	<ul style="list-style-type: none"> <li>• Replace</li> <li>• Delete</li> <li>• Insert</li> </ul>	<ul style="list-style-type: none"> <li>• Objective (Obj)</li> <li>• Principle of Development Control (PDC)</li> <li>• Desired Character Statement (DCS)</li> <li>• Map/Table No.</li> <li>• Other (Specify)</li> </ul>			

### **COUNCIL WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): Yes

1	Replace	the word "and" in Objective 106	with the words "and/or."	No	No
2	Replace	the words "local area" in Objective 107 (a) and (b)	with the word "locality"	No	No
3	Insert	prior to the word "aesthetic" in PDC 299	"health,"	No	No

### **ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): No

### **TABLES**

Amendments required (Yes/No): No

**MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps & Policy Area Maps)**

Amendments required (Yes/No): No

# Development Act 1993

## Amendment Instructions Table – Development Plan Amendment

**Name of Local Government Area: Adelaide Hills Council**

**Name of Development Plan: Adelaide Hills Council Development Plan**

**Name of DPA: Regulated Trees Development Plan Amendment**

*The following amendment instructions (at the time of drafting) relate to the Adelaide Hills Council Development Plan consolidated 12 April 2012. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

### Amendment instructions

*To give effect to the amendments authorised for Interim Operation on 17 November 2011 except where varied as follows:*

Amendment Instruction Number	Method of Change	Detail what is to be replaced or deleted or detail where new policy is to be inserted.	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
	<ul style="list-style-type: none"> <li>• Replace</li> <li>• Delete</li> <li>• Insert</li> </ul>	<ul style="list-style-type: none"> <li>• Objective (Obj)</li> <li>• Principle of Development Control (PDC)</li> <li>• Desired Character Statement (DCS)</li> <li>• Map/Table No.</li> <li>• Other (Specify)</li> </ul>			

### **COUNCIL WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): Yes

1	Replace	the word “and” within the Objective: “The conservation of regulated trees that provide important aesthetic and environmental benefit”	with the words “and/or.”	No	No
2	Replace	the words “local area” in part (a) and part (b) of the Objective: “Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:	with the word “locality”	No	No

		(a) significantly contributes to the character or visual amenity of the local area (b) indigenous to the local area			
3	Insert	prior to the word "aesthetic" within the PDC: "Tree damaging activity other than removal should seek to maintain the aesthetic appearance and structural integrity of the tree"	"health,"	No	No
<b>ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)</b>					
Amendments required (Yes/No): No					
<b>TABLES</b>					
Amendments required (Yes/No): No					
<b>MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps &amp; Policy Area Maps)</b>					
Amendments required (Yes/No): No					



# Development Act 1993

## Amendment Instructions Table – Development Plan Amendment

**Name of Local Government Area: City of Burnside**

**Name of Development Plan: Burnside (City) Development Plan**

**Name of DPA: Regulated Trees Development Plan Amendment**

*The following amendment instructions (at the time of drafting) relate to the Burnside (City) Development Plan consolidated on 19 April 2012. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

### **Amendment instructions**

*To give effect to the amendments authorised for Interim Operation on 17 November 2011 except where varied as follows:*

Amendment Instruction Number	Method of Change	Detail what is to be replaced or deleted or detail where new policy is to be inserted.	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
	<ul style="list-style-type: none"> <li>• Replace</li> <li>• Delete</li> <li>• Insert</li> </ul>	<ul style="list-style-type: none"> <li>• Objective (Obj)</li> <li>• Principle of Development Control (PDC)</li> <li>• Desired Character Statement (DCS)</li> <li>• Map/Table No.</li> <li>• Other (Specify)</li> </ul>			

### **COUNCIL WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): Yes

1	Replace	the word "and" in Objective 20	with the words "and/or."	No	No
2	Replace	the words "local area" in Objective 21 (a) and (b)	with the word "locality"	No	No
3	Insert	prior to the word "aesthetic" in PDC 45	"health,"	No	No

### **ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): No

### **MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps & Policy Area Maps)**

Amendments required (Yes/No): No

# Development Act 1993

## Amendment Instructions Table – Development Plan Amendment

**Name of Local Government Area: City of Campbelltown**

**Name of Development Plan: Campbelltown Council Development Plan**

**Name of DPA: Regulated Trees Development Plan Amendment**

*The following amendment instructions (at the time of drafting) relate to Campbelltown Council Development Plan consolidated on 27 January 2012.. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

### **Amendment instructions**

*To give effect to the amendments authorised for Interim Operation on 17 November 2011 except where varied as follows:*

Amendment Instruction Number	Method of Change	Detail what is to be replaced or deleted or detail where new policy is to be inserted.	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
	<ul style="list-style-type: none"> <li>• Replace</li> <li>• Delete</li> <li>• Insert</li> </ul>	<ul style="list-style-type: none"> <li>• Objective (Obj)</li> <li>• Principle of Development Control (PDC)</li> <li>• Desired Character Statement (DCS)</li> <li>• Map/Table No.</li> <li>• Other (Specify)</li> </ul>			

### **COUNCIL WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): Yes

#### **Regulated Trees**

1	Replace	the word "and" in Objective 1	with the words "and/or."	No	No
2	Replace	the words "local area" in Objective 2 (a) and (b)	with the word "locality"	No	No
3	Insert	prior to the word "aesthetic" in PDC 3	"health,"	No	No

### **ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): No

<b>TABLES</b>
Amendments required (Yes/No): No
<b>MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps &amp; Policy Area Maps)</b>
Amendments required (Yes/No): No

# Development Act 1993

## Amendment Instructions Table – Development Plan Amendment

**Name of Local Government Area: City of Charles Sturt**

**Name of Development Plan: Charles Sturt Council Development Plan**

**Name of DPA: Regulated Trees Development Plan Amendment**

*The following amendment instructions (at the time of drafting) relate to the Charles Sturt Council Development Plan consolidated on 5 July 2012. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

### Amendment instructions

*To give effect to the amendments authorised for Interim Operation on 17 November 2011 except where varied as follows:*

Amendment Instruction Number	Method of Change	Detail what is to be replaced or deleted or detail where new policy is to be inserted.	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
	<ul style="list-style-type: none"> <li>• Replace</li> <li>• Delete</li> <li>• Insert</li> </ul>	<ul style="list-style-type: none"> <li>• Objective (Obj)</li> <li>• Principle of Development Control (PDC)</li> <li>• Desired Character Statement (DCS)</li> <li>• Map/Table No.</li> <li>• Other (Specify)</li> </ul>			

### **COUNCIL WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): Yes

#### **Regulated Trees**

1	Replace	the word "and" in Objective 1	with the words "and/or."	No	No
2	Replace	the words "local area" in Objective 2 (a) and (b)	with the word "locality"	No	No
3	Insert	prior to the word "aesthetic" in PDC 3	"health,"	No	No

### **ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): No

#### **TABLES**

Amendments required (Yes/No): No

**MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps & Policy Area Maps)**

Amendments required (Yes/No): No

# Development Act 1993

## Amendment Instructions Table – Development Plan Amendment

<b>Name of Local Government Area: Gawler</b>
<b>Name of Development Plan: Gawler (CT) Development Plan</b>
<b>Name of DPA: Regulated Trees Development Plan Amendment</b>

*The following amendment 17 May 2012. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

### **Amendment instructions**

*To give effect to the amendments authorised for Interim Operation on 17 November 2011 except where varied as follows:*

Amendment Instruction Number	Method of Change  • Replace • Delete • Insert	Detail what is to be replaced or deleted or detail where new policy is to be inserted.  • Objective (Obj) • Principle of Development Control (PDC) • Desired Character Statement (DCS) • Map/Table No. • Other (Specify)	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
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### **COUNCIL WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): Yes

1	Replace	the word "and" within the Objective: "The conservation of regulated trees that provide important aesthetic and environmental benefit"	with the words " <i>and/or.</i> "	No	No
2	Replace	the words "local area" in part (a) and part (b) of the Objective: "Development in balance with preserving regulated trees that demonstrate one or more of the following attributes: (a) significantly	with the word " <i>locality</i> "	No	No

		contributes to the character or visual amenity of the local area (b) indigenous to the local area"			
3	Insert	prior to the word "aesthetic" within the PDC: "Tree damaging activity other than removal should seek to maintain the aesthetic appearance and structural integrity of the tree"	"health,"	No	No
<b>ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)</b>					
Amendments required (Yes/No): No					
<b>TABLES</b>					
Amendments required (Yes/No): No					
<b>MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps &amp; Policy Area Maps)</b>					
Amendments required (Yes/No): No					

# Development Act 1993

## Amendment Instructions Table – Development Plan Amendment

**Name of Local Government Area: City of Holdfast Bay**

**Name of Development Plan: Holdfast Bay (City) Development Plan**

**Name of DPA: Regulated Trees Development Plan Amendment.**

*The following amendment instructions (at the time of drafting) relate to the Holdfast Bay (City) Development Plan consolidated on 26 April 2012. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

**Amendment instructions**

*To give effect to the amendments authorised for Interim Operation on 17 November 2011 except where varied as follows:*

Amendment Instruction Number	Method of Change	Detail what is to be replaced or deleted or detail where new policy is to be inserted.	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
	<ul style="list-style-type: none"> <li>• Replace</li> <li>• Delete</li> <li>• Insert</li> </ul>	<ul style="list-style-type: none"> <li>• Objective (Obj)</li> <li>• Principle of Development Control (PDC)</li> <li>• Desired Character Statement (DCS)</li> <li>• Map/Table No.</li> <li>• Other (Specify)</li> </ul>			

**COUNCIL WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): Yes

1	Replace	the word "and" in Objective 89	with the words "and/or."	No	No
2	Replace	the words "local area" in Objective 90 (a) and (b)	with the word "locality"	No	No
3	Insert	prior to the word "aesthetic" in PDC 285	"health,"	No	No

**ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): No

**TABLES**

Amendments required (Yes/No): No

**MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps & Policy Area Maps)**

Amendments required (Yes/No): No



# Development Act 1993

## Amendment Instructions Table – Development Plan Amendment

**Name of Local Government Area: N/A (Outside Local Government Areas)**

**Name of Development Plan: Land Not Within a Council Area (Metropolitan) Development Plan**

**Name of DPA: Regulated Trees Development Plan Amendment**

*The following amendment instructions (at the time of drafting) relate to the Land Not Within a Council Area (Metropolitan) Development Plan consolidated on 8 March 2012. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

### Amendment instructions

*To give effect to the amendments authorised for Interim Operation on 17 November 2011 except where varied as follows:*

Amendment Instruction Number	Method of Change	Detail what is to be replaced or deleted or detail where new policy is to be inserted.	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
	<ul style="list-style-type: none"> <li>• Replace</li> <li>• Delete</li> <li>• Insert</li> </ul>	<ul style="list-style-type: none"> <li>• Objective (Obj)</li> <li>• Principle of Development Control (PDC)</li> <li>• Desired Character Statement (DCS)</li> <li>• Map/Table No.</li> <li>• Other (Specify)</li> </ul>			

### **METROPOLITAN ADELAIDE/ GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): No

### **COUNCIL WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): Yes

1	Replace	the word "and" within the Objective: "The conservation of regulated trees that provide important aesthetic and environmental benefit"	with the words "and/or."	No	No
2	Replace	the words "local area" in part (a) and part (b) of the Objective:	with the word "locality"	No	No

		<p>“Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:</p> <p>(a) significantly contributes to the character or visual amenity of the local area</p> <p>(b) indigenous to the local area”</p>			
3	Insert	<p>prior to the word “aesthetic” within the PDC:</p> <p>“Tree damaging activity other than removal should seek to maintain the aesthetic appearance and structural integrity of the tree”</p>	“health,”	No	No
<b>ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)</b>					
Amendments required (Yes/No): No					
<b>TABLES</b>					
Amendments required (Yes/No): No					
<b>MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps &amp; Policy Area Maps)</b>					
Amendments required (Yes/No): No					

# Development Act 1993

## Amendment Instructions Table – Development Plan Amendment

**Name of Local Government Area: Light Regional Council**

**Name of Development Plan: Light Regional Council Development Plan**

**Name of DPA: Regulated Trees Development Plan Amendment**

*The following amendment instructions (at the time of drafting) relate to the Light Regional Council Development Plan consolidated on 12 April 2012. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

### **Amendment instructions**

*To give effect to the amendments authorised for Interim Operation on 17 November 2011 except where varied as follows:*

Amendment Instruction Number	Method of Change	Detail what is to be replaced or deleted or detail where new policy is to be inserted.	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
	<ul style="list-style-type: none"> <li>• Replace</li> <li>• Delete</li> <li>• Insert</li> </ul>	<ul style="list-style-type: none"> <li>• Objective (Obj)</li> <li>• Principle of Development Control (PDC)</li> <li>• Desired Character Statement (DCS)</li> <li>• Map/Table No.</li> <li>• Other (Specify)</li> </ul>			

### **COUNCIL WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): No

### **ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): Yes

#### **Residential (Gawler Belt) Zone**

1	Replace	the word "and" in Objective 6	with the words "and/or."	No	No
2	Replace	the words "local area" in Objective 7 (a) and (b)	with the word "locality"	No	No
3	Insert	prior to the word "aesthetic" in PDC 18	"health,"	No	No

### **TABLES**

Amendments required (Yes/No): No

### **MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps & Policy Area Maps)**

Amendments required (Yes/No): No

# Development Act 1993

## Amendment Instructions Table – Development Plan Amendment

**Name of Local Government Area: City of Marion**

**Name of Development Plan: Marion Council Development Plan**

**Name of DPA: Regulated Trees Development Plan Amendment**

*The following amendment instructions (at the time of drafting) relate to the Marion (Council) Development Plan consolidated on 19 January 2012. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

### Amendment instructions

*To give effect to the amendments authorised for Interim Operation on 17 November 2011 except where varied as follows:*

Amendment Instruction Number	Method of Change	Detail what is to be replaced or deleted or detail where new policy is to be inserted.	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
	<ul style="list-style-type: none"> <li>• Replace</li> <li>• Delete</li> <li>• Insert</li> </ul>	<ul style="list-style-type: none"> <li>• Objective (Obj)</li> <li>• Principle of Development Control (PDC)</li> <li>• Desired Character Statement (DCS)</li> <li>• Map/Table No.</li> <li>• Other (Specify)</li> </ul>			

### **COUNCIL WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): Yes

#### **Regulated Trees**

1	Replace	the word "and" in Objective 1	with the words "and/or."	No	No
2	Replace	the words "local area" in Objective 2 (a) and (b)	with the word "locality"	No	No
3	Insert	prior to the word "aesthetic" in PDC 3	"health,"	No	No

### **ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): No

#### **TABLES**

Amendments required (Yes/No): No

### **MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps & Policy Area Maps)**

Amendments required (Yes/No): No

# Development Act 1993

## Amendment Instructions Table – Development Plan Amendment

**Name of Local Government Area: City of Mitcham**

**Name of Development Plan: Mitcham (City) Development Plan**

**Name of DPA: Regulated Trees Development Plan Amendment**

*The following amendment instructions (at the time of drafting) relate to the Mitcham (City) Development Plan consolidated on 19 April 2012. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

### **Amendment instructions**

*To give effect to the amendments authorised for Interim Operation on 17 November 2011 except where varied as follows:*

Amendment Instruction Number	Method of Change	Detail what is to be replaced or deleted or detail where new policy is to be inserted.	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
	<ul style="list-style-type: none"> <li>• Replace</li> <li>• Delete</li> <li>• Insert</li> </ul>	<ul style="list-style-type: none"> <li>• Objective (Obj)</li> <li>• Principle of Development Control (PDC)</li> <li>• Desired Character Statement (DCS)</li> <li>• Map/Table No.</li> <li>• Other (Specify)</li> </ul>			

### **METROPOLITAN ADELAIDE/ GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): No

### **COUNCIL WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): Yes

1	Replace	the word "and" in Objective 25	with the words "and/or."	No	No
2	Replace	the words "local area" in Objective 26 (a) and (b)	with the word "locality"	No	No
3	Insert	prior to the word "aesthetic" in PDC 184	"health,"	No	No

### **ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): No

### **TABLES**

Amendments required (Yes/No): No

**MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps & Policy Area Maps)**

Amendments required (Yes/No): No

# Development Act 1993

## Amendment Instructions Table – Development Plan Amendment

**Name of Local Government Area: District Council of Mount Barker**

**Name of Development Plan: Mount Barker (DC) Development Plan**

**Name of DPA: Regulated Trees Development Plan Amendment**

*The following amendment instructions (at the time of drafting) relate to the Mount Barker (DC) Development Plan consolidated on 7 June 2012. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

### **Amendment instructions**

*To give effect to the amendments authorised for Interim Operation on 17 November 2011 except where varied as follows:*

Amendment Instruction Number	Method of Change  • Replace • Delete • Insert	Detail what is to be replaced or deleted or detail where new policy is to be inserted.  • Objective (Obj) • Principle of Development Control (PDC) • Desired Character Statement (DCS) • Map/Table No. • Other (Specify)	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
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### **COUNCIL WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): Yes

1	Replace	the word “and” within the Objective: “The conservation of regulated trees that provide important aesthetic and environmental benefit”	with the words “and/or.”	No	No
2	Replace	the words “local area” in part (a) and part (b) of the Objective: “Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:  (a) significantly contributes to the character or	with the word “locality”	No	No

		visual amenity of the local area (b) indigenous to the local area"			
3	Insert	prior to the word "aesthetic" within the PDC: "Tree damaging activity other than removal should seek to maintain the aesthetic appearance and structural integrity of the tree"	"health,"	No	No
<b>ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)</b>					
Amendments required (Yes/No): No					
<b>TABLES</b>					
Amendments required (Yes/No): No					
<b>MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps &amp; Policy Area Maps)</b>					
Amendments required (Yes/No): No					



# Development Act 1993

## Amendment Instructions Table – Development Plan Amendment

**Name of Local Government Area: City of Norwood Payneham and St Peters**

**Name of Development Plan: Norwood Payneham and St Peters (City) Development Plan**

**Name of DPA: Regulated Trees Development Plan Amendment**

*The following amendment instructions (at the time of drafting) relate to the Norwood Payneham and St Peters (City) Development Plan consolidated on 2 February 2012.. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

### Amendment instructions

*To give effect to the amendments authorised for Interim Operation on 17 November 2011 except where varied as follows:*

Amendment Instruction Number	Method of Change	Detail what is to be replaced or deleted or detail where new policy is to be inserted.	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
	<ul style="list-style-type: none"> <li>• Replace</li> <li>• Delete</li> <li>• Insert</li> </ul>	<ul style="list-style-type: none"> <li>• Objective (Obj)</li> <li>• Principle of Development Control (PDC)</li> <li>• Desired Character Statement (DCS)</li> <li>• Map/Table No.</li> <li>• Other (Specify)</li> </ul>			

### **COUNCIL WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): Yes

1	Replace	the word "and" in Objective 113	with the words "and/or."	No	No
2	Replace	the words "local area" in Objective 114 (a) and (b)	with the word "locality"	No	No
3	Insert	prior to the word "aesthetic" in PDC 389	"health,"	No	No

### **ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): No

### **TABLES**

Amendments required (Yes/No): No

**MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps & Policy Area Maps)**

Amendments required (Yes/No): No

# Development Act 1993

## Amendment Instructions Table – Development Plan Amendment

**Name of Local Government Area: City of Onkaparinga**

**Name of Development Plan: Onkaparinga (City) Development Plan**

**Name of DPA: Regulated Trees Development Plan Amendment**

*The following amendment instructions (at the time of drafting) relate to the Onkaparinga (City) Development Plan consolidated on 20 September 2012. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

### Amendment instructions

*To give effect to the amendments authorised for Interim Operation on 17 November 2011 except where varied as follows:*

Amendment Instruction Number	Method of Change	Detail what is to be replaced or deleted or detail where new policy is to be inserted.	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
	<ul style="list-style-type: none"> <li>• Replace</li> <li>• Delete</li> <li>• Insert</li> </ul>	<ul style="list-style-type: none"> <li>• Objective (Obj)</li> <li>• Principle of Development Control (PDC)</li> <li>• Desired Character Statement (DCS)</li> <li>• Map/Table No.</li> <li>• Other (Specify)</li> </ul>			

### **COUNCIL WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): Yes

#### **Regulated Trees**

1	Replace	the word "and" in Objective 1	with the words "and/or."	No	No
2	Replace	the words "local area" in Objective 2 (a) and (b)	with the word "locality"	No	No
3	Insert	prior to the word "aesthetic" in PDC 3	"health,"	No	No

### **ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): No

#### **TABLES**

Amendments required (Yes/No): No

**MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps & Policy Area Maps)**

Amendments required (Yes/No): No

# Development Act 1993

## Amendment Instructions Table – Development Plan Amendment

**Name of Local Government Area: City of Playford**

**Name of Development Plan: Playford Council Development Plan**

**Name of DPA: Regulated Trees Development Plan Amendment**

*The following amendment instructions (at the time of drafting) relate to the Playford Council Development Plan consolidated on 13 September 2012. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

### **Amendment instructions**

*To give effect to the amendments authorised for Interim Operation on 17 November 2011 except where varied as follows:*

Amendment Instruction Number	Method of Change	Detail what is to be replaced or deleted or detail where new policy is to be inserted.	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
	<ul style="list-style-type: none"> <li>• Replace</li> <li>• Delete</li> <li>• Insert</li> </ul>	<ul style="list-style-type: none"> <li>• Objective (Obj)</li> <li>• Principle of Development Control (PDC)</li> <li>• Desired Character Statement (DCS)</li> <li>• Map/Table No.</li> <li>• Other (Specify)</li> </ul>			

### **COUNCIL WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): Yes

#### **Regulated Trees**

1	Replace	the word "and" in Objective 1	with the words "and/or."	No	No
2	Replace	the words "local area" in Objective 2 (a) and (b)	with the word "locality"	No	No
3	Insert	prior to the word "aesthetic" in PDC 3	"health,"	No	No

### **ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): No

#### **TABLES**

Amendments required (Yes/No): No

**MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps & Policy Area Maps)**

Amendments required (Yes/No): No

# Development Act 1993

## Amendment Instructions Table – Development Plan Amendment

**Name of Local Government Area: City of Port Adelaide Enfield**

**Name of Development Plan: Port Adelaide Enfield (City) Development Plan**

**Name of DPA: Regulated Trees Development Plan Amendment**

*The following amendment instructions (at the time of drafting) relate to the Port Adelaide Enfield (City) Development Plan consolidated on 16 February 2012. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

### **Amendment instructions**

*To give effect to the amendments authorised for Interim Operation on 17 November 2011 except where varied as follows:*

Amendment Instruction Number	Method of Change	Detail what is to be replaced or deleted or detail where new policy is to be inserted.	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
	<ul style="list-style-type: none"> <li>• Replace</li> <li>• Delete</li> <li>• Insert</li> </ul>	<ul style="list-style-type: none"> <li>• Objective (Obj)</li> <li>• Principle of Development Control (PDC)</li> <li>• Desired Character Statement (DCS)</li> <li>• Map/Table No.</li> <li>• Other (Specify)</li> </ul>			

### **COUNCIL WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): Yes

#### **Regulated Trees**

1	Replace	the word "and" in Objective 1	with the words "and/or."	No	No
2	Replace	the words "local area" in Objective 2 (a) and (b)	with the word "locality"	No	No
3	Insert	prior to the word "aesthetic" in PDC 3	"health,"	No	No

### **ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): No

### **TABLES**

Amendments required (Yes/No): No

**MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps & Policy Area Maps)**

Amendments required (Yes/No): No



# Development Act 1993

## Amendment Instructions Table – Development Plan Amendment

**Name of Local Government Area: City of Prospect**

**Name of Development Plan: Prospect (City) Development Plan**

**Name of DPA: Regulated Trees Development Plan Amendment**

*The following amendment instructions (at the time of drafting) relate to the Prospect (City) Development Plan consolidated on 19 January 2012. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

### Amendment instructions

*To give effect to the amendments authorised for Interim Operation on 17 November 2011 except where varied as follows:*

Amendment Instruction Number	Method of Change	Detail what is to be replaced or deleted or detail where new policy is to be inserted.	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
	<ul style="list-style-type: none"> <li>• Replace</li> <li>• Delete</li> <li>• Insert</li> </ul>	<ul style="list-style-type: none"> <li>• Objective (Obj)</li> <li>• Principle of Development Control (PDC)</li> <li>• Desired Character Statement (DCS)</li> <li>• Map/Table No.</li> <li>• Other (Specify)</li> </ul>			

### **METROPOLITAN WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): No

### **COUNCIL WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): Yes

1	Replace	the word "and" in Objective 37	with the words "and/or."	No	No
2	Replace	the words "local area" in Objective 38 (a) and (b)	with the word "locality"	No	No
3	Insert	prior to the word "aesthetic" in PDC 284	"health,"	No	No

### **ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): No

<b>TABLES</b>
Amendments required (Yes/No): No
<b>MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps &amp; Policy Area Maps)</b>
Amendments required (Yes/No): No

# Development Act 1993

## Amendment Instructions Table – Development Plan Amendment

**Name of Local Government Area: City of Salisbury**

**Name of Development Plan: Salisbury (City) Development Plan**

**Name of DPA: Regulated Trees Development Plan Amendment**

*The following amendment instructions (at the time of drafting) relate to the Salisbury (City) Development Plan consolidated on 19 April 2012. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

### **Amendment instructions**

*To give effect to the amendments authorised for Interim Operation on 17 November 2011 except where varied as follows:*

Amendment Instruction Number	Method of Change	Detail what is to be replaced or deleted or detail where new policy is to be inserted.	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
	<ul style="list-style-type: none"> <li>• Replace</li> <li>• Delete</li> <li>• Insert</li> </ul>	<ul style="list-style-type: none"> <li>• Objective (Obj)</li> <li>• Principle of Development Control (PDC)</li> <li>• Desired Character Statement (DCS)</li> <li>• Map/Table No.</li> <li>• Other (Specify)</li> </ul>			

### **COUNCIL WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): Yes

#### **Regulated Trees**

1	Replace	the word "and" in Objective 1	with the words "and/or."	No	No
2	Replace	the words "local area" in Objective 2 (a) and (b)	with the word "locality"	No	No
3	Insert	prior to the word "aesthetic" in PDC 3	"health,"	No	No

### **ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): No

<b>TABLES</b>
Amendments required (Yes/No): No
<b>MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps &amp; Policy Area Maps)</b>
Amendments required (Yes/No): No

# Development Act 1993

## Amendment Instructions Table – Development Plan Amendment

**Name of Local Government Area: City of Tea Tree Gully**

**Name of Development Plan: Tea Tree Gully (City) Development Plan**

**Name of DPA: Regulated Trees Development Plan Amendment**

*The following amendment instructions (at the time of drafting) relate to the Tea Tree Gully (City) Development Plan consolidated on 26 July 2012. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

### Amendment instructions

*To give effect to the amendments authorised for Interim Operation on 17 November 2011 except where varied as follows:*

Amendment Instruction Number	Method of Change	Detail what is to be replaced or deleted or detail where new policy is to be inserted.	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
	<ul style="list-style-type: none"> <li>• Replace</li> <li>• Delete</li> <li>• Insert</li> </ul>	<ul style="list-style-type: none"> <li>• Objective (Obj)</li> <li>• Principle of Development Control (PDC)</li> <li>• Desired Character Statement (DCS)</li> <li>• Map/Table No.</li> <li>• Other (Specify)</li> </ul>			

### **COUNCIL WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): Yes

#### **Regulated Trees**

1	Replace	the word "and" in Objective 1	with the words "and/or."	No	No
2	Replace	the words "local area" in Objective 2 (a) and (b)	with the word "locality"	No	No
3	Insert	prior to the word "aesthetic" in PDC 3	"health,"	No	No

### **ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): No

#### **TABLES**

Amendments required (Yes/No): No

**MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps & Policy Area Maps)**

Amendments required (Yes/No): No

# Development Act 1993

## Amendment Instructions Table – Development Plan Amendment

**Name of Local Government Area: City of Unley**

**Name of Development Plan: Unley (City) Development Plan**

**Name of DPA: Regulated Trees Development Plan Amendment**

*The following amendment instructions (at the time of drafting) relate to the Unley (City) Development Plan consolidated on 26 July 2012. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

### **Amendment instructions**

*To give effect to the amendments authorised for Interim Operation on 17 November 2011 except where varied as follows:*

Amendment Instruction Number	Method of Change  • Replace • Delete • Insert	Detail what is to be replaced or deleted or detail where new policy is to be inserted.  • Objective (Obj) • Principle of Development Control (PDC) • Desired Character Statement (DCS) • Map/Table No. • Other (Specify)	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
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### **COUNCIL WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): Yes

1	Replace	the word "and" in Objective 60	with the words "and/or."	No	No
2	Replace	the words "local area" in Objective 61 (a) and (b)	with the word "locality"	No	No
3	Insert	prior to the word "aesthetic" in PDC 176	"health,"	No	No

### **ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): No

### **TABLES**

Amendments required (Yes/No): No

### **MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps & Policy Area Maps)**

Amendments required (Yes/No): No

# Development Act 1993

## Amendment Instructions Table – Development Plan Amendment

**Name of Local Government Area: The Town of Walkerville**

**Name of Development Plan: Walkerville Council Development Plan**

**Name of DPA: Regulated Trees Development Plan Amendment**

*The following amendment instructions (at the time of drafting) relate to the Walkerville Council Development Plan consolidated on 27 January 2012. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

**Amendment instructions**

*To give effect to the amendments authorised for Interim Operation on 17 November 2011 except where varied as follows:*

Amendment Instruction Number	Method of Change	Detail what is to be replaced or deleted or detail where new policy is to be inserted.	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
	<ul style="list-style-type: none"> <li>• Replace</li> <li>• Delete</li> <li>• Insert</li> </ul>	<ul style="list-style-type: none"> <li>• Objective (Obj)</li> <li>• Principle of Development Control (PDC)</li> <li>• Desired Character Statement (DCS)</li> <li>• Map/Table No.</li> <li>• Other (Specify)</li> </ul>			

**COUNCIL WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): Yes

**Regulated Trees**

1	Replace	the word "and" in Objective 1	with the words "and/or."	No	No
2	Replace	the words "local area" in Objective 2 (a) and (b)	with the word "locality"	No	No
3	Insert	prior to the word "aesthetic" in PDC 3	"health,"	No	No

**ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): No

**TABLES**

Amendments required (Yes/No): No



**MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps & Policy Area Maps)**

Amendments required (Yes/No): No

# Development Act 1993

## Amendment Instructions Table – Development Plan Amendment

**Name of Local Government Area: City of West Torrens**

**Name of Development Plan: West Torrens Council Development Plan**

**Name of DPA: Regulated Trees Development Plan Amendment**

*The following amendment instructions (at the time of drafting) relate to the West Torrens Council Development Plan consolidated on 2 February 2012. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

### **Amendment instructions**

*To give effect to the amendments authorised for Interim Operation on 17 November 2011 except where varied as follows:*

Amendment Instruction Number	Method of Change	Detail what is to be replaced or deleted or detail where new policy is to be inserted.	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
	<ul style="list-style-type: none"> <li>• Replace</li> <li>• Delete</li> <li>• Insert</li> </ul>	<ul style="list-style-type: none"> <li>• Objective (Obj)</li> <li>• Principle of Development Control (PDC)</li> <li>• Desired Character Statement (DCS)</li> <li>• Map/Table No.</li> <li>• Other (Specify)</li> </ul>			

### **COUNCIL WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): Yes

#### **Regulated Trees**

1	Replace	the word "and" in Objective 1	with the words "and/or."	No	No
2	Replace	the words "local area" in Objective 2 (a) and (b)	with the word "locality"	No	No
3	Insert	prior to the word "aesthetic" in PDC 3	"health,"	No	No

### **ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)**

Amendments required (Yes/No): No

#### **TABLES**

Amendments required (Yes/No): No

**MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps & Policy Area Maps)**

Amendments required (Yes/No): No

**ADELAIDE (CITY), ADELAIDE HILLS  
COUNCIL, BURNSIDE (CITY),  
CAMPBELLTOWN (CITY), CHARLES STURT  
COUNCIL, GAWLER (CT), HOLDFAST BAY  
(CITY), LAND NOT WITHIN A COUNCIL AREA  
(METROPOLITAN), LIGHT REGIONAL  
COUNCIL, MARION COUNCIL, MITCHAM  
(CITY), MOUNT BARKER (DC), NORWOOD  
PAYNEHAM & ST PETERS (CITY),  
ONKAPARINGA (CITY), PLAYFORD (CITY),  
PORT ADELAIDE ENFIELD (CITY), PROSPECT  
(CITY), SALISBURY (CITY), TEA TREE GULLY  
(CITY), UNLEY (CITY), WALKERVILLE  
COUNCIL, WEST TORRENS (CT)**

**REGULATED TREES**

**Development Plan Amendment**

**By the Minister**

**EXECUTIVE SUMMARY AND ANALYSIS  
RELEASED FOR CONSULTATION FROM  
17 November 2011 TO January 25 2012.**



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# EXECUTIVE SUMMARY

## INTRODUCTION

The *Development Act 1993* (The Act) provides the legislative framework for undertaking amendments to a Development Plan. The Act allows either the relevant council or, under prescribed circumstances, the Minister for Planning to amend a Development Plan.

In this case the Minister is undertaking the amendment because it relates to the areas or parts of the areas of two or more councils (Section 24(1)(d) of the *Development Act 1993*).

A Development Plan Amendment (DPA) (this document) explains what policy changes are being proposed and why and how the amendment process will be conducted.

A DPA consists of:

- Executive Summary (this section)
- Analysis, which may include:
  - Background information
  - Investigations
  - Recommended policy changes
  - Statement of statutory compliance
- References/Bibliography
- Appendices
- The Amendment.

## NEED FOR THE AMENDMENT

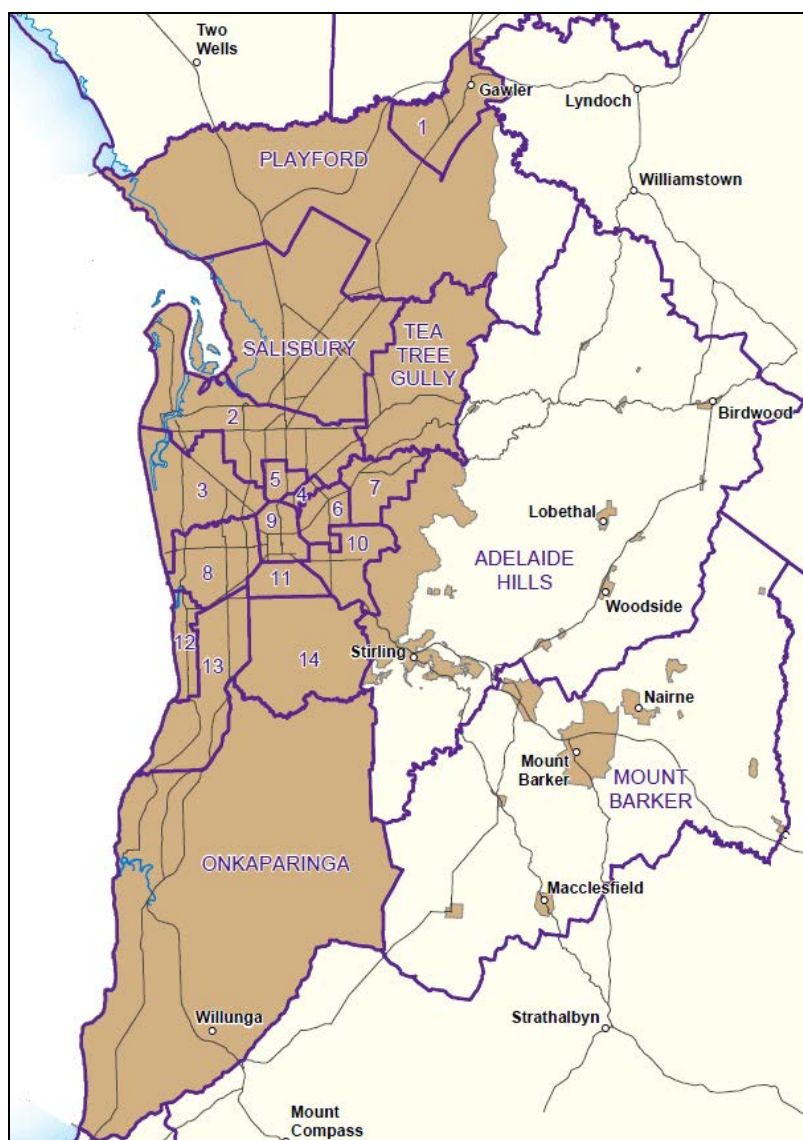
The need for this DPA is brought about by the *Development (Regulated Trees) Amendment Act 2009* because this created a new kind of 'development' that is not yet the subject of Development Plan policy. Tree-damaging activity in relation to a regulated tree is now defined as 'development' by the *Development Act 1993*.

## AREA(S)/LAND AFFECTED/AFFECTED DEVELOPMENT PLANS

The area affected by the DPA is that set by Regulation 6A(3) of the *Development Regulations 2008*. Generally, this corresponds to Metropolitan Adelaide (as defined by the Development Act) plus selected zones in the Adelaide Hills Council and the District Council of Mount Barker. Geographically, this corresponds to the shaded area in Figure 1:



Figure 1: Area Affected by the DPA



The following Development Plans are affected by this DPA:

- Adelaide (City)
- Adelaide Hills Council
- Burnside (City)
- Campbelltown (City)
- Charles Sturt Council
- Gawler (CT)
- Holdfast Bay (City)
- Land Not Within a Council Area (Metropolitan)
- Light Regional Council
- Marion Council
- Mitcham (City)
- Mount Barker (DC)
- Norwood Payneham and St Peters (City)
- Onkaparinga (City)
- Playford Council
- Port Adelaide Enfield (City)
- Prospect (City)
- Salisbury (City)
- Tea Tree Gully (City)
- Unley (City)
- Walkerville Council
- West Torrens Council

These are the Development Plans affected by Regulation 6A of the *Development Regulations 2008*. Regulation 6A defines the area within which regulated tree controls operate (ie the area within which trees may, pursuant to criteria established by the *Development Regulations 2008*, be 'regulated' or 'significant').

## **PROPOSED POLICY CHANGE(S)**

The DPA proposes to change the affected Development Plans by inserting policy to provide guidance in the assessment of regulated trees.

## **LEGAL REQUIREMENTS**

Prior to the preparation of this DPA, the Minister received advice from a person or persons holding prescribed qualifications pursuant to Section 26(3) of the *Development Act 1993*.

The DPA has assessed the extent to which the proposed amendment:

- accords with the Planning Strategy
- accords with other parts of the Development Plan
- complements the policies in Development Plans for adjoining areas
- satisfies the requirements prescribed by the Regulations under the *Development Act 1993*.

## **INTERIM OPERATION**

This DPA has been brought in on Interim Operation pursuant to Section 28(1) of the *Development Act 1993*.

Interim operation is considered necessary in the interests of orderly and proper development of the affected area.

## **CONSULTATION**

This document is now released for concurrent agency and public consultation for a period of eight weeks.

The organisations and agencies that will be consulted include:

- Council's affected by the DPA
- Adelaide and Mount Lofty Ranges NRM Board
- Country Fire Service
- Department of Environment and Natural Resources
- Department for Water
- Environment Protection Authority
- National Arborists Association of Australia
- Nature Conservation Society of South Australia
- Primary Industries and Resources SA
- SA Metropolitan Fire Service
- South Australian Society of Arboriculture
- State Emergency Service
- Urban Forest Biodiversity Program
- Conservation Council.

All agency and public submissions made during the consultation period will be considered by the Development Policy Advisory Committee, which is an independent body responsible for conducting the consultation stage of Ministerial DPAs. Changes to the DPA may occur as a result of this consultation process.

## **THE FINAL STAGE**

When the Development Policy Advisory Committee has considered all the public submissions, it will provide the Minister for Planning with a report on its findings.

The Minister for Planning will then either approve (with or without changes) or refuse the DPA.

*Note: This Executive Summary is for information only and does not form part of the Amendment to the Development Plan.*

# ANALYSIS

## 1. BACKGROUND

Over the last decade, successive State Governments have recognised the value of large trees within Metropolitan Adelaide. This recognition was reflected by Parliament passing, in 2000, amendments to the *Development Act 1993* and *Development Regulations 1993* that established the concept of a 'significant tree' and extended the definition of 'development' to include tree-damaging activity in relation to a significant tree.

The legislation was limited to Metropolitan Adelaide given that the *Native Vegetation Act 1991* provided somewhat equivalent function for the remainder of the state. As significant tree legislation in an urbanised area was unprecedented, the protections were drafted with a commitment to ongoing review and adjustment. To this effect, a statutory review of the legislation was undertaken in 2002 by Commissioner Alan Hutchings of the Environment, Resources and Development Court.

Generally, the legislation is understood to have been supported by the community, as possibly evidenced by the request in 2008 from the District Council of Mount Barker to have the significant trees legislation expanded to its own area.

Nevertheless, a number of related matters have arisen in recent years including:

- evolution of significant tree controls enforcement by local government
- experiences of the courts in interpreting the legislation
- differing expectations from the community and industry
- changing development pressures in Metropolitan Adelaide associated with:
  - existence of the urban boundary
  - market conditions
  - increasing population
  - higher building densities
  - smaller residential allotments combined with larger footprints of houses.

These have precipitated the intent of the State Government to refine the existing significant tree legislation. Subsequently, in November 2009, Parliament passed the *Development (Regulated Trees) Amendment Act 2009* amendments to the *Development Act 1993*, with complementary amendments to the *Development Regulations 2008* implemented concurrent with commencement of Interim Operation of this DPA.

For full effect, it is necessary that complementary policies be incorporated into Development Plans and thereby facilitate the consistent enforcement of policy by Councils. In doing so, this maintains the approach undertaken in the original significant trees legislation/plan amendment, which maintained a separation between matters of statute and planning policy.

Substantially the same amendment is proposed to all affected Development Plans to introduce policy relating to regulated trees. An amendment is also proposed to one Development Plan, where existing significant tree policies conflict with the Act and Regulation changes, to ensure policy does not conflict with the intent of those changes.

## 2. THE STRATEGIC CONTEXT AND POLICY DIRECTIONS

### 2.1 Consistency with South Australia's Strategic Plan

South Australia's Strategic Plan contains the following targets that are relevant to this DPA:

#### PRIORITY 2: OUR ENVIRONMENT

##### Target 69: Lose No Species

Lose no native species as a result of human impacts

Comment: In refining policies for the protection of significant trees, this may help protect the largest trees in urban areas that are favoured by some native fauna species for habitat, particularly in areas with greater development pressure. By clarifying the legal controls associated with maintenance pruning (due to the updated legal definition of a 'tree-damaging activity'), this may act as an incentive for landholders to maintain significant trees on their properties (instead of removing them altogether).

##### Target 70: Sustainable Land Management

By 2020, achieve a 25% increase in the protection of agricultural cropping of land from soil erosion and a 25% improvement in the condition of pastoral land.

Comment: Refined policies for significant trees may also contribute to reducing erosion in selected portions of the affected area, especially within the Onkaparinga, Playford, Adelaide Hills or Mount Barker Councils. These areas may contain cropland that is characterised by rows of significant trees on property boundaries, which act as windbreaks and the like. As above, the policies may facilitate maintenance and retention instead of removal.

### 2.2 Consistency with the Planning Strategy

The Planning Strategy presents current State Government policy for development in South Australia and is based on key economic, social and environmental imperatives. In particular, it seeks to guide and coordinate State Government activity in the construction and provision of services and infrastructure that influence the development of South Australia. It also indicates directions for future development to the community, the private sector and local government.

The following volumes of the Planning Strategy are relevant to this DPA:

#### 2.2.1 *The 30-Year Plan for Greater Adelaide*

*The 30-Year Plan for Greater Adelaide* (the Plan) is a volume of the Planning Strategy for South Australia and applies to areas affected by this DPA. The Plan has been prepared by the Government to guide the community, local government, business and industry.

The main aim of the Plan is to outline how the South Australian Government proposes to balance population and economic growth with the need to preserve the environment and protect the heritage, history and character of Greater Adelaide. The Plan seeks to create inclusive, vibrant and liveable communities, while protecting the regional hinterlands and primary production lands and sustaining natural resources. The Plan is one of the key tools to assist the State Government, local government and the entire community in building resilience to the risks and impacts of climate change. It seeks to provide a set of practical and achievable policies and targets to manage the forecast changes that will confront Greater Adelaide during the next 30 years.

The following objectives, principles, policies and targets of Plan are of particular relevance to this DPA:

**Biodiversity, Target H:** assist biodiversity restoration initiatives throughout the region by supporting the establishment of urban forests, linked networks of open space, greenways, restored urban watercourses and the SA Urban Forests—Million Trees Program. Through these measures, target 300 hectares of plantings per year to achieve 7800 hectares of plantings by 2036.

Comment: The DPA supports this target by giving greater long-term certainty regarding the circumstances under which regulated and significant trees should be preserved.

**Climate Change, Policy 13:** Create a more liveable urban environment through the establishment of a network of greenways, tree-lined streets and open spaces, which will have a cooling effect on nearby new neighbourhoods and new buildings.

Comment: The DPA supports this policy by protecting trees that would be likely to have a tall height or large canopy. This in turn could result in an increased cooling effect in areas prone to the urban heat island effect. The legislation's allowance for the establishment of urban tree funds also facilitates the creation of designated areas (potentially greenways and open spaces) for the planting of replacement trees that will be legally protected.

**Greater Adelaide Open Space System, Policy 6:** Continue to protect the natural and rural character of the Hills Face Zone as a defining feature of metropolitan Adelaide.

Comment: The legislation (and in turn the DPA) applies to much of the Hills Face Zone. Refined policies will assist in the ongoing management and protection of trees on this land, contributing to the Hills Face Zone's natural character in the short term (through ongoing protection of existing trees) and longer term (once immature trees become large enough to meet the definition of regulated trees).

## 2.3 Consistency with other key policy documents

### 2.3.1 Consistency with policies in adjacent Development Plans

The Development Plans adjacent to the affected area are those of the Alexandrina, Barossa, Mallala, Mid Murray, and Yankalilla councils. There appear to be consistencies and inconsistencies with the policies contained in those plans, as discussed below:

Features of adjacent Development Plans	Comparison with this DPA
The Plans have Objectives to the effect of "the preservation of trees of historic, local, or particular, visual significance"	This is considered to be consistent with the intent of the regulated trees legislation/policy insofar as the thrust of the policy proposed is towards preservation of regulated and significant trees under demonstrable circumstances.
Each plan's area is subject to the <i>Native Vegetation Act 1991</i> , which gives protection to larger native tree species	There are some areas where the <i>Native Vegetation Act</i> overlaps with the affected area (see Appendix 4), although most of the metropolitan area is not subject to the <i>Native Vegetation Act</i> . Parliament did not intend for the <i>Native Vegetation Act</i> to apply to the bulk of the metropolitan area.
Native species are protected by statute ( <i>Native Vegetation Act 1991</i> ), but introduced species by the Development Plans	Many native and introduced species are protected by statute. Parliament did not intend for the <i>Native Vegetation Act</i> to apply to the bulk of the metropolitan area
The Plans do not demand the use of an expert or technical report for removal of trees	Tree-damaging activity in the affected area may require an expert or technical report for significant trees over 3 metres in circumference. This difference is deliberate as the <i>Native Vegetation Act</i> has its own procedures and requirements during the assessment stage

In this context, the amendment is considered to be generally consistent with the overall policy intent of the adjacent Development Plans, acknowledging that there are differing legislative regimes applying to the regions.

### 2.3.2 Consistency with policies in other relevant strategic policy documents

The two other key strategic policy documents of relevance to this DPA are:

- *Natural Resources Management Plan for the Adelaide and Mount Lofty Ranges Natural Resources Management Region (2008)*
- *State Natural Resources Management Plan (2006).*

Both Plans are published under the *Natural Resources Management Act 2004*. Among other things, this provides that a Natural Resource Management (NRM) Plan must set out to include information regarding environmental, social, economic and practical considerations relating to the use, management, conservation, protection, improvement and, if relevant, rehabilitation of the natural resources within the relevant region.

As part of this, the 2006 State NRM Plan states:

*...a key policy issue is the development of a more integrated legislation and policy structure to support landscape scale management and better NRM outcomes. South Australia will work towards consistency between regional NRM plans under the Act and Development Plans under the Development Act 1993.*

More specific goals include:

- ensure planning policy addresses the importance and value of water dependent ecosystems, particularly watercourses, floodplains and wetlands of national and international importance, and prevents development that would impact upon ecosystem function or the value of the ecosystem as habitat
- use relevant regional NRM plans to inform planning policy
- take steps to ensure consistency between the State NRM Plan, regional NRM plans and relevant government policies and programs
- conduct research into the management and impact (including cumulative) of pest species and over-abundant native species on the environmental, social and economic values of natural and productive systems and public health and safety.

The Adelaide and Mount Lofty Ranges Natural Resources Management Plan makes the following points:

- around 77 of the animal species and 224 of the plant species in the Region have formal conservation status under state or federal legislation. However, there are vast numbers of species which do not, but may also be in decline. This target [T9: Conservation status of native species (terrestrial, marine, aquatic)] does not just relate to species listed in legislation, but aims to prevent the decline of all native species in the Region
- although some native vegetation remains in the Region, it is not fully functional, because of degradation due to edge effects, fragmentation, weed invasion, grazing and inappropriate fire regimes. This means it does not provide the appropriate ecosystem services and habitat it might once have done. This target [Condition and function of ecosystems (terrestrial, riparian)] is about ensuring that the condition, structure and function of our remnant vegetation is improved
- improve urban biodiversity, including in private open space
- use controls in other legislation to better manage natural resources.

It is acknowledged that none of these goals were written solely and directly with the protection of regulated trees in mind. However, their protection is considered to be a contributor to each of the above goals (insofar as the planning system can influence them).

Further to this, the regulated tree controls afford no protection to trees belonging to a class of plants declared by the relevant Minister under the *Natural Resource Management Act 2004* as a pest species or a species that requires a form of management or control.

## **2.4 The South Australian Planning Policy Library**



This DPA does not propose the application of policies from the South Australian Planning Policy Library (SA PPL). This is because these policies do not yet recognise and provide guidance in respect of tree damaging activity in relation to a regulated tree.

The current version of the SA PPL – version 6 – offers a module of 'general' or 'Council-wide' policies regarding significant trees. This module has been used as a guide to inform policy proposed by this DPA.

## **2.5 Infrastructure Planning**

For the purposes of Section 26(1)(d) of the Act, there is no requirement for this DPA to assess the extent to which the proposed amendment accords with relevant infrastructure planning (both physical and social infrastructure).

### 3. INVESTIGATIONS UNDERTAKEN TO INFORM THIS DPA

This DPA is, through necessity, informed by consideration of the *Development (Regulated Trees) Amendment Act 2009* and the *Development (Regulated Trees) Variation Regulations 2011*.

The Act amendments effectively establish a two-tier system of tree classification and assessment. The first tier is 'regulated' trees and the second is 'significant' trees.

Policy is therefore required to reflect the new classification of regulated trees. This DPA does not propose to modify existing significant tree policy other than where that policy conflicts with the intent of the Act or regulatory changes.

#### 3.1 Development (Regulated Trees) Amendment Act 2009 and Development (Regulated Trees) Variation Regulations 2011

The *Development (Regulated Trees) Amendment Act 1993* (the Amendment Act – refer Appendix 1) was passed by Parliament on 17 November 2009 and assented to by the Governor on 26 November 2009. The amendments were proclaimed to come into operation concurrently with the release of this DPA. Key effects of the Amendment Act were:

- the establishment of the existence of a 'regulated tree'
- the expansion of the definition of development to include any tree-damaging activity (as already defined by the Act) in relation to a regulated tree
- the establishment of principles regarding the assessment of proposals to undertake tree damaging activity in relation to a regulated tree or a significant tree
- the ability for a relevant authority to establish an Urban Tree Fund.

As amended, *the Development Act 1993* now establishes a two-tier system of tree classification and assessment. The first tier is 'regulated' trees and the second is 'significant' trees. The specific Act definitions are as follows:

**regulated tree** means—

- (a) a tree, or a tree within a class of trees, declared to be regulated by the regulations (whether or not the tree also constitutes a significant tree under the regulations); or
- (b) a tree declared to be a significant tree, or a tree within a stand of trees declared to be significant trees, by a Development Plan (whether or not the tree is also declared to be a regulated tree, or also falls within a class of trees declared to be regulated trees, by the regulations);

**significant tree** means—

- (a) a tree declared to be a significant tree, or a tree within a stand of trees declared to be significant trees, by a Development Plan (whether or not the tree is also declared to be a regulated tree, or also falls within a class of trees declared to be regulated trees, by the regulations); or
- (b) a tree declared to be a regulated tree by the regulations, or a tree within a class of trees declared to be regulated trees by the regulations that, by virtue of the application of prescribed criteria, is to be taken to be a significant tree for the purposes of this Act.

In addition, the *Development (Regulated Trees) Variation Regulations 2011* amended the *Development Regulations 2008*. The key effects of the variation Regulations were:

- declaring the classes of regulated trees for the purpose of the definition of a regulated tree in section 4(1) of the *Development Act 1993*; and
- prescribing the criterion of what constitutes a significant tree.
- prescribing a range of tree species and circumstances “exempt” from Significant tree controls.
- prescribing the fee to be paid into the Urban Trees Fund or the number of replacement trees to be planted when either a Significant or a Regulated tree is removed.
- defining who can provide an ‘expert or technical report’ in relation to a tree.
- defining that the pruning of a Regulated Tree is regarded as maintenance pruning only when no more than 30% of a tree crown is pruned and the pruning 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.

Regulation 6A further defines regulated and significant trees as follows:

### 6A—Regulated and significant trees

- (1) Subject to this regulation, the following are declared to constitute classes of regulated trees for the purposes of paragraph (a) of the definition of **regulated tree** in section 4(1) of the Act, namely trees within the designated area under subregulation (3) that have a trunk with a circumference of 2 metres or more or, in the case of trees with multiple trunks, that have trunks with a total circumference of 2 metres or more and an average circumference of 625 millimetres or more, measured at a point 1 metre above natural ground level.
- (2) Subject to this regulation—
  - (a) a prescribed criterion for the purposes of paragraph (b) of the definition of **significant tree** in section 4(1) of the Act is that a regulated tree under subregulation (1) has a trunk with a circumference of 3 metres or more or, in the case of a tree with multiple trunks *that have trunks with a total circumference of 3 metres or more and an average circumference of 625 millimetres or more,*, that has a trunk with a total circumference of 3 metres or more, measured at a point 1 metre above natural ground level; and
  - (b) regulated trees under subregulation (1) that are within the prescribed criterion under paragraph (a) are to be taken to be significant trees for the purposes of the Act.

The Amendment Act and Variation Regulations have brought about the need for this DPA because tree damaging activity in relation to a regulated tree is not yet the subject of Development Plan policy. Without Development Plan policy that provides guidance in respect of a proposal to undertake tree damaging activity in relation to a regulated tree, there is no means for an authority to consistently and coherently assess such proposals.

The Amendment Act and the Variation Regulations dictate that Development Plan policy is required that relates specifically to regulated trees.

The policy that is considered necessary to enable effective operation of the Amendment Act and Regulation Variations must attend to the following matters:

- regulated trees that warrant preservation due to particular attributes
- the circumstances under which removal of a regulated tree may be appropriate

- the circumstances under which tree-damaging activity in relation to a regulated tree (besides removal) may be appropriate
- outcomes that should be achieved when tree-damaging activity in relation to a regulated tree (besides removal) is permitted.

These are the types of matters which the current South Australian Planning Policy Library Significant Tree policy addresses in respect to significant trees. An explanation of how this DPA proposes to reflect these matters specific to regulated trees, is discussed below.

### **3.1.2 *Circumstances under which removal of regulated trees may be appropriate***

As previously identified, section 39 of the *Development Act 1993* prescribes that an authority should seek to avoid, except where special circumstances apply, requesting an applicant to provide expert reports to assist it to determine whether a regulated tree is significant and/or to assist it to assess an application to undertake tree damaging activity in relation to a regulated tree that is not a significant tree.

It is considered that section 39 has implications for policy regarding the circumstances under which removal of a regulated tree may be appropriate. Specifically, it is considered that section 39 renders it necessary that policy proposed by this DPA:

- provide a high degree of clarity in terms of the circumstances under which a regulated tree may be removed (to effectively act as a substitute for information that might otherwise have been sourced from expert or technical reports)
- establish reasons why removal of a regulated tree should be permitted

As a result this DPA proposes that the removal of a regulated tree should only be contemplated where an applicant can demonstrate one or more of the following apply:

- the tree is diseased and its life expectancy is short
- the tree represents a material risk to public or private safety
- the tree is causing damage to a building
- development that is reasonable and expected would not otherwise be possible

### **3.1.3 *Circumstances under which tree damaging activity In relation to regulated trees (besides removal) may be appropriate***

The same policy test is proposed to apply to applications seeking tree damaging activity (other than removal) to a regulated tree.

In addition, this DPA proposes a principle of development control specific to applications that are proposing to undertake tree damaging activity to a regulated tree that is more extensive than the 30% exemption in the Development Regulations 2008. For example, an applicant wanting to undertake pruning above the exemption would need to demonstrate two things.

Firstly, that one or more of the following apply:

- the tree is diseased and its life expectancy is short
- the tree represents a material risk to public or private safety
- the tree is causing damage to a building
- development that is reasonable and expected would not otherwise be possible

- the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.

Secondly they would need to demonstrate that the pruning seeks to maintain the aesthetic appearance and structural integrity of the tree.

#### 4. SUMMARY OF RECOMMENDED POLICY CHANGES

In summary, this DPA proposes policy to reflect the new *Development Act 1993* classification of regulated trees.

The policy is needed to enable effective operation of the Amendment Act and Regulation Variations and addresses the following matters:

- regulated trees that warrant preservation due to particular attributes
- the circumstances under which removal of a regulated tree may be appropriate
- the circumstances under which tree-damaging activity in relation to a regulated tree (besides removal) may be appropriate
- outcomes that should be achieved when tree-damaging activity in relation to a regulated tree (besides removal) is permitted.

For reasons discussed in Section 3 of this document, the policy proposed in this DPA is in addition to the existing significant tree policies contained in the affected Development Plans and:

- differentiates the circumstances under which removal of regulated trees can be contemplated; and
- differentiates the circumstances under which tree-damaging activity in relation to regulated trees can be contemplated.

The policy proposed by this DPA is informed by and consistent with the *Development (Regulated Trees) Amendment Act 2009* and the *Development (Regulated Trees) Variation Regulations 2011*.

## **5. STATEMENT OF STATUTORY COMPLIANCE**

Section 26 of the *Development Act 1993* prescribes that the DPA must assess the extent to which the proposed amendment:

- a) accords with the Planning Strategy
- b) accords with other parts of the Development Plan
- c) complements the policies in the Development Plans for adjoining areas
- d) satisfies the requirements prescribed by the Regulations.

### **5.1 Accords with the Planning Strategy**

Relevant strategies from the Planning Strategy are summarised in Section 2.2 of this document. It is the intent of the DPA to support the achievement of the Planning Strategy policies.

### **5.2 Accords with other parts of the Development Plan**

The policies proposed in this DPA are consistent with the format, content and structure of the affected Development Plans (refer to the Executive Summary for a complete list of the affected Development Plans).

### **5.3 Complements the policies in the Development Plans for adjoining areas**

The policies proposed in this DPA will not affect the Development Plans for adjoining areas (as described in Section 2.3.1 of this document).

### **5.4 Satisfies the requirements prescribed by the Regulations**

The requirements for referrals to the Minister for the River Murray (Regulation 10), public consultation (Regulation 11) and the public meeting (Regulation 12) associated with this DPA will be met.

## **REFERENCES/BIBLIOGRAPHY**

*Development Act 1993*

*Development Regulations 2008*

*Development (Regulated Trees) Amendment Act 2009*

*Development (Regulated Trees) Variation Regulations 2011*

*Native Vegetation Act 1991*

*Natural Resources Management Plan for the Adelaide and Mount Lofty Ranges Natural Resources Management Region (2008)*

*South Australia's Planning Policy Library, Version 6 (2011)*

*South Australia's Strategic Plan (2011)*

*State Natural Resources Management Plan (2006).*

*The 30-Year Plan for Greater Adelaide (2010)*



## APPENDICES

## **APPENDIX 1**

### ***Development (Regulated Trees) Amendment Act 2009***

South Australia

# Development (Regulated Trees) Amendment Act 2009

An Act to amend the *Development Act 1993*.

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**The Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Development (Regulated Trees) Amendment Act 2009*.

## 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

## 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

# Part 2—Amendment of *Development Act 1993*

## 4—Amendment of section 4—Interpretation

- (1) Section 4(1), definition of *development*, (fa)—delete paragraph (fa) and substitute:

(fa) in relation to a regulated tree—any tree-damaging activity; or

- (2) Section 4(1)—after the definition of *the Registrar-General* insert:

*regulated tree* means—

- (a) a tree, or a tree within a class of trees, declared to be regulated by the regulations (whether or not the tree also constitutes a significant tree under the regulations); or
- (b) a tree declared to be a significant tree, or a tree within a stand of trees declared to be significant trees, by a Development Plan (whether or not the tree is also declared to be a regulated tree, or also falls within a class of trees declared to be regulated trees, by the regulations);

- (3) Section 4(1), definition of *significant tree*—delete the definition and substitute:

*significant tree* means—

- (a) a tree declared to be a significant tree, or a tree within a stand of trees declared to be significant trees, by a Development Plan (whether or not the tree is also declared to be a regulated tree, or also falls within a class of trees declared to be regulated trees, by the regulations); or
- (b) a tree declared to be a regulated tree by the regulations, or a tree within a class of trees declared to be regulated trees by the regulations that, by virtue of the application of prescribed criteria, is to be taken to be a significant tree for the purposes of this Act;

- (4) Section 4(1), definition of *tree-damaging activity*—after "health and appearance of a tree" insert:

or that is excluded by regulation from the ambit of this definition

- (5) Section 4—after subsection (8) insert:

- (9) For the purposes of this Act, any plant that is commonly known as a *palm* will be taken to be a tree.
- (10) For the purposes of this Act, a stand of trees is a group of trees that form a relatively coherent group by virtue of being of the same or a similar species, size, age and structure.

## 5—Amendment of section 23—Development Plans

Section 23(4a)—delete subsection (4a) and substitute:

- (4a) A Development Plan may—
- (a) declare a tree to be a significant tree if—
    - (i) it makes a significant contribution to the character or visual amenity of the local area; or
    - (ii) it is indigenous to the local area, it is a rare or endangered species taking into account any criteria prescribed by the regulations, or it forms part of a remnant area of native vegetation; or
    - (iii) it is an important habitat for native fauna taking into account any criteria prescribed by the regulations; or
    - (iv) it satisfies any criteria prescribed by the regulations; or
  - (b) declare a stand of trees to be significant trees if—
    - (i) as a group they make a significant contribution to the character or visual amenity of the local area; or
    - (ii) they are indigenous to the local area, they are members of a rare or endangered species taking into account any criteria prescribed by the regulations, or they form, or form part of, a remnant area of native vegetation; or
    - (iii) as a group they form an important habitat for native fauna taking into account any criteria prescribed by the regulations; or
    - (iv) as a group they satisfy any criteria prescribed by the regulations,

(and the declaration may be made on the basis that certain trees located at the same place are excluded from the relevant stand).
- (4b) However, a declaration under subsection (4a) must not be inconsistent with any criteria prescribed by the regulations for the purposes of this subsection.
- (4c) For the purposes of subsection (4a), a Development Plan must identify the location of a tree or stand of trees in accordance with any requirements imposed by the regulations.

## **6—Amendment of section 25—Amendments by a council**

Section 25—after subsection (12) insert:

- (12a) If a proposed amendment declares a tree to be a significant tree or a stand of trees to be significant trees, the council must, at or before the time when the DPA is released for public consultation, give each owner of land where the tree or trees are located a written notice—
- (a) informing the owner of the proposed amendment; and
  - (b) inviting the owner to make submissions on the amendment to the council within the period provided for public consultation under the regulations.

## **7—Amendment of section 26—Amendments by the Minister**

Section 26—after subsection (7) insert:

- (7a) If a proposed amendment declares a tree to be a significant tree or a stand of trees to be significant trees, the Minister must, at or before the time when the DPA is released for public consultation, give each owner of land where the tree or trees are located a written notice—
- (a) informing the owner of the proposed amendment; and
  - (b) inviting the owner to make submissions on the amendment to the Minister within the period provided for public consultation under the regulations.

## **8—Amendment of section 39—Application and provision of information**

- (1) Section 39(1a)—delete "significant tree" and substitute:

regulated tree

- (2) Section 39—after subsection (3) insert:

- (3a) A relevant authority should, in dealing with an application that relates to a regulated tree, unless the relevant authority considers that special circumstances apply, seek to make any assessment as to whether the tree is a significant tree without requesting the applicant to provide an expert or technical report relating to the tree.
- (3b) A relevant authority should, in dealing with an application that relates to a regulated tree that is not a significant tree, unless the relevant authority considers that special circumstances apply, seek to assess the application without requesting the applicant to provide an expert or technical report relating to the tree.

## 9—Amendment of section 42—Conditions

Section 42—after subsection (3) insert:

- (4) Subject to subsections (6) and (8), if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, the relevant authority must apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the relevant authority) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).
- (5) A tree planted under subsection (4) must satisfy any criteria prescribed by the regulations (which may include criteria that require that any such tree not be of a species prescribed by the regulations).
- (6) The relevant authority may, on the application of the applicant, determine that a payment of an amount calculated in accordance with the regulations be made into the relevant fund in lieu of planting 1 or more replacement trees under subsection (4) (and the requirements under subsection (4) will then be adjusted accordingly).
- (7) For the purposes of subsection (6), the *relevant fund* is—
  - (a) unless paragraph (b) applies—an urban trees fund for the area where the relevant tree is situated;
  - (b) if—
    - (i) the relevant authority is a council and an urban trees fund has not been established for the area where the relevant tree is situated; or
    - (ii) the relevant authority is the Development Assessment Commission,  
the Planning and Development Fund.
- (8) Subsections (4) and (6) do not apply if—
  - (a) the relevant tree is of a class excluded from the operation of those subsections by the regulations; or
  - (b) the relevant authority determines that it is appropriate to grant an exemption under this subsection in a particular case after taking into account any criteria prescribed by the regulations and the Minister concurs in the granting of the exemption.

## 10—Insertion of section 50B

After section 50A insert:

### **50B—Urban trees fund**

- (1) A council may, with the approval of the Minister, establish a fund (an *urban trees fund*) for an area designated by the council (a *designated area*).
- (2) The establishment of the fund will be effected by notice in the Gazette.
- (3) A designated area must be defined by reference to an area established by the relevant Development Plan.
- (4) A fund will consist of—
  - (a) all amounts paid into the fund as a condition of a development authorisation under section 42; and
  - (b) any income paid into the fund under subsection (5); and
  - (c) any amounts paid to the credit of the fund under subsection (7).
- (5) Any money in an urban trees fund that is not for the time being required for the purpose of the fund may be invested by the council and any resultant income must be paid into the fund.
- (6) Money standing to the credit of an urban trees fund may be applied by the council—
  - (a) to maintain or plant trees in the designated area which are or will (when fully grown) constitute significant trees under this Act; or
  - (b) to purchase land within the designated area in order to maintain or plant trees which are or will (when fully grown) constitute significant trees under this Act.
- (7) The council must, if it subsequently sells land purchased under subsection (6)(b), pay the proceeds of sale into an urban trees fund maintained by the council under this section, subject to the following qualifications:
  - (a) if an urban trees fund is no longer maintained by the council, the proceeds must be applied for a purpose or purposes consistent with subsection (6)(a) or (b);
  - (b) if money from an urban trees fund only constituted a proportion of the purchase price of the land (the *designated proportion*), the money that is subject to these requirements is the designated proportion of the proceeds of sale.
- (8) Despite the operation of any other provision, if—
  - (a) a person is required to make a payment in lieu of planting 1 or more trees; and



- (b) the person is a designated person,  
then the amount of the payment that would otherwise apply must be discounted by 66.6%.
- (9) In this section—  
*designated person* means a person—
  - (a) who is an owner and occupier of the land where the relevant tree is situated; and
  - (b) who—
    - (i) is the holder of a current Pensioner Concession Card issued by the Commonwealth Government and is in receipt of a full Commonwealth pension in connection with that card; or
    - (ii) falls within a class of person prescribed by the regulations for the purposes of this definition.

### **11—Amendment of section 54A—Urgent work in relation to trees**

- (1) Section 54A(1)—delete "significant tree" and substitute:  
regulated tree
- (2) Section 54A(2)(c)—before "the owner of the land" insert:  
except in circumstances prescribed by the regulations,

### **12—Amendment of section 54B—Interaction of controls on trees with other legislation**

- (1) Section 54B(1)—delete "significant tree" and substitute:  
regulated tree
- (2) Section 54B(2)—delete "significant tree" and substitute:  
regulated tree
- (3) Section 54B(2)(b)—after "section" insert:  
254 or

### **13—Insertion of section 106A**

After section 106 insert:

#### **106A—Make good orders**

- (1) If in any proceedings under this Act a court finds that a person has breached this Act by undertaking a tree-damaging activity, the court may, by order, direct a specified person to do 1 or more of the following:
  - (a) to establish a tree or trees of a kind specified by the court in a place or places specified by the court;

- (b) to remove any buildings, works or vegetation that have been erected, undertaken or planted at or near the place where the regulated tree was situated since the breach occurred;
  - (c) to nurture, protect and maintain any tree or trees until they are fully established or for such period as may be specified by the court, or to make a payment or payments towards the maintenance of any tree or trees.
- (2) A court acting under subsection (1) may make any ancillary order as the court thinks fit.
- (3) A court must, before making an order under subsection (1) directed at a person who is not an owner or occupier of the relevant land, ensure that reasonable steps have been taken to give notice of the relevant proceedings to an owner or occupier of the land.
- (4) If a person to whom an order under subsection (1) applies is not an owner or occupier of the relevant land at the time of the making of the order, the court may authorise the person (or a person authorised by him or her)—
  - (a) to enter the land with such materials and equipment as are reasonably necessary to comply with the order; and
  - (b) to enter and cross any land specified in the order with the materials and equipment referred to in paragraph (a) for the purpose of gaining access to the relevant land.
- (5) Subject to subsection (6), an order under this section will cease to apply with respect to land if or when the land is sold to a genuine arms-length purchaser for value.
- (6) Subsection (5) does not apply if the order is noted against the relevant instrument of title or, in the case of land not under the provisions of the *Real Property Act 1886*, against the land under a scheme prescribed by the regulations for the purposes of this subsection.
- (7) A court that has made an order under this section may, on application, vary or revoke the order.
- (8) A person who fails to comply with an order under subsection (1) or (2) is, in addition to any liability for contempt, guilty of an offence.  
Maximum penalty: \$60 000.
- (9) An owner or occupier of land, or any other person, who hinders or obstructs a person in carrying out the requirements of an order under subsection (1) or (2) or entering or crossing land under subsection (4) is guilty of an offence.  
Maximum penalty: \$15 000.

## 14—Amendment of Schedule 1—Regulations

Schedule 1, item 9—delete "power or function under" and substitute:  
power or function under or in relation to the operation of

## Schedule 1—Transitional provisions

### 1—Interpretation

In this Schedule—

*principal Act* means the *Development Act 1993*.

### 2—Development plans

A tree that is a significant tree by virtue of a declaration in a Development Plan under section 23(4a) of the principal Act, as in force immediately before the commencement of this clause, will continue to be a significant tree under the principal Act after that commencement until the relevant declaration is amended or revoked so that it no longer has effect in relation to that tree.

### 3—Applications

An application for a development authorisation under the principal Act with respect to a significant tree made before the commencement of this clause will continue as if it were an application with respect to a regulated tree under that Act.

### 4—Other provisions

- (1) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of this Act.
- (2) A provision of a regulation made under subclause (1) may, if the regulation so provides, take effect from the commencement of this Act or from a later day.
- (3) To the extent to which a provision takes effect under subclause (2) from a day earlier than the day of the regulation's publication in the Gazette, the provision does not operate to the disadvantage of a person by—
  - (a) decreasing the person's rights; or
  - (b) imposing liabilities on the person.
- (4) The *Acts Interpretation Act 1915* will, except to the extent of any inconsistency with the provisions of this Schedule (or regulations made under this Schedule), apply to any amendment effected by this Act.