

# Frequently Asked Questions



## Regulated and Significant Tree Reforms

### Q – How have the rules changed for regulated and significant trees?

A – The table below summarises the previous rules for regulated and significant trees and what has changed. These changes are effective on and from 16 May 2024:

	What it was	What it is now
<b>Trunk size – (circumference)</b>		
Regulated trees	2.0 metres	1.0 metres
Significant trees	3.0 metres	2.0 metres
<b>Exemption distance (from dwelling or pool)</b>		
Dwelling	10.0 metres	3.0 metres
Swimming pool	10.0 metres	3.0 metres
<b>Canopy pruning</b>		
Regulated trees	<30% (no time limit)	<30% (every 5 years)
Significant trees	<30% (no time limit)	<30% (every 5 years)
<b>Fees for tree removal or offset (as at May 2024)</b>		
Regulated trees	\$326	\$1,000
Significant trees	\$489	\$1,500

**Q – I have an existing development application or development authorisation. Will these changes apply to me?**

**A** – An exemption to the new rules is available for relevant development applications lodged before 16 May 2024 or relevant development authorisations granted before 16 May 2024.

A relevant development application is one that has been formally lodged prior to 16 May 2024, either in the Development Assessment Portal (DAP) System or in person with the relevant authority and uploaded to the DAP system within 5 business days.

A relevant development authorisation (being either planning consent, building consent or land division consent) is one that has been issued by a relevant authority before 16 May 2024. In this case, a Decision Notification Form (DNF) would have been issued, noting the development authorisation(s) has been granted. All required consents and final development approval must still be issued before the approved development may proceed.

The exemption will apply for a period of 12 months, ending 16 May 2025. This means the exemption may expire before your development authorisation expires. The period of the exemption is not linked to or dependant on the operative date of a relevant development authorisation. An application to extend the operative date of your development authorisation will not also extend the exemption to the new tree rules.

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**Q – I have an existing development application or development authorisation, and I would like to remove a tree that is now regulated or significant. Will these changes apply to me?**

**A** – If the exemption applies to an existing development application or authorisation (see above) and the tree damaging activity is carried out for the purposes of that development, the regulated and significant tree rules in place before 16 May 2024 will apply.

The activity should be reasonably required for the purpose of the relevant development. For example, if newly protected trees are located where building works are proposed to occur, these will be exempt under a development application lodged or development authorisation granted prior to 16 May 2024.

If removal or damage to the tree is not required for the purpose of the relevant development application or authorisation, then further approval will be required under the new tree rules for any tree damaging activity to a regulated or significant tree.

For relevant development applications, the exemption for removing a tree can only be relied on after a development authorisation has been granted for the proposed development. Removal or damage to a tree that would be regulated or significant under the new tree rules should not occur until a development authorisation is granted.

**Q – If I apply to vary my existing development authorisation, will the 12 month exemption still apply?**

A – Where a variation to an existing development authorisation can be considered “minor in nature” for the purposes of Regulation 65 of the *Planning, Development and Infrastructure (General) Regulations 2017*, a new application is not required for the variation. In this case, the exemption to the new tree rules will still apply to any further development the subject of the variation.

Where the variation cannot be considered minor (and a new application is required), then the exemption will not apply to any tree-damaging activity required because of the variation. The relevant authority who assesses the variation application will determine whether the variation is “minor in nature” under Regulation 65.

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**Q – Are certain tree species still exempt from protections?**

A – Yes, the list of exempt tree species has been relocated from the *Planning, Development and Infrastructure (General) Regulations 2017* to a [Ministerial Notice](#) published on the PlanSA portal.

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**Q – How will these changes be enforced?**

A – Where tree-damaging activity to a regulated or significant tree occurs without development approval, this is an offence enforceable under the *Planning, Development and Infrastructure Act 2016* (the Act). The same enforcement powers apply under the Act as they did prior to 16 May 2024 regulated and significant tree reforms.

Enforcement will generally be undertaken by local councils, and may include a range of different enforcement actions or powers, including:

- civil enforcement proceedings to remedy any breach of the Act – these proceedings can be brought by any person (meaning use of this enforcement tool is not limited to planning authorities)
  - an enforcement notice directing a person to take or refrain from certain action in order to remedy a breach of the Act
  - a civil penalty applied as an alternative to criminal proceedings against a person who has or is alleged to have committed an offence under the Act
  - a written undertaking by the person who has or is alleged to have committed an offence under the Act.
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## Q – What other changes are occurring to protect more urban trees?

A – In addition to the changes to regulated and significant trees protections:

- Fees payable under the Urban Tree Canopy Offset Scheme will also increase, consistent with regulated and significant tree replacement fees. These fee increases will be:

	What it is now	What it will be
<b>Fee for removal of regulated or significant tree (section 127(6))</b>		
Regulated trees	\$326	\$1,000
Significant trees	\$489	\$1,500
<b>Urban tree canopy offset fee (section 197)</b>		
Small tree	\$300	\$500
Medium tree	\$600	\$1,000
Large tree	\$1,200	\$1,500

- In addition to these immediate changes, the Minister for Planning has also requested the State Planning Commission to undertake the following further work on urban tree policy:
  - prepare a design standard to provide minimum urban tree planting and maintenance requirements for public areas in greenfield developments
  - amend planning rules to also consider a tree’s urban canopy contribution as part of assessing whether it can be removed
  - strengthen planning rules to support design innovation and flexibility to retain large trees
  - investigate ways to fast-track approvals for tree removal within 3 metres of a dwelling or swimming pool where offset fees are paid
  - extend urban tree canopy protections to greenfield developments in ‘Master Planned Neighbourhood Zones’ and townships
  - extend regulated and significant tree protections to townships, capturing urban areas beyond metropolitan Adelaide.
- Finally, the Government is investigating amendments to the *Local Government Act 1999* to insert new offence provisions for damaging trees in local parks and reserves.

**Q – What is the difference between regulated and significant tree controls and requirements under the Urban Tree Canopy Overlay?**

**A** – The Urban Tree Canopy Overlay in the Planning and Design Code applies across most residential areas in Metropolitan Adelaide and requires planting trees as part of a new dwelling’s approval. The Urban Tree Canopy Offset Scheme then applies in specific zones and areas where tree planting may not be feasible. In these locations only, the Scheme enables contribution into the Urban Tree Canopy Offset Fund instead of tree planting. Money received into the Fund can then be used to plant trees elsewhere.

Further information regarding the Urban Tree Canopy Offset Scheme can be found here: [plan.sa.gov.au/our\\_planning\\_system/schemes/urban\\_tree\\_canopy\\_off-set\\_scheme](http://plan.sa.gov.au/our_planning_system/schemes/urban_tree_canopy_off-set_scheme)

In comparison, the regulated and significant tree provisions operate to protect existing large trees. These protections apply where the Regulated and Significant Tree Overlay applies in the Code, which includes most of Metropolitan Adelaide.

Development approval is required before any tree-damaging activity can occur to a regulated or significant tree. If granted, any development approval to remove the tree must be subject to a condition requiring replacement trees to be planted. Alternatively, a relevant authority may allow payment into either a Council Tree Fund or the Planning and Development Fund (if no Council Tree Fund exists) instead of replacement planting.

Further information regarding regulated and significant tree protections can be found here: [plan.sa.gov.au/our\\_planning\\_system/programs\\_and\\_initiatives/significant\\_and\\_regulated\\_trees](http://plan.sa.gov.au/our_planning_system/programs_and_initiatives/significant_and_regulated_trees)