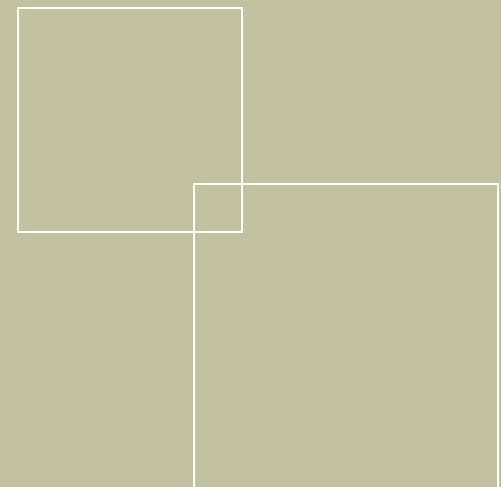


Significant and Regulated Trees

Kathryn Walker
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Development (Regulated Trees) Amendment Act

- › 17 November 2009 Parliament passed the *Development (Regulated Trees) Amendment Act 2009*
- › Revised significant tree controls originally introduced in 2000.





What Changed?

- › Created two classes of trees:
 - › Regulated Trees;
 - › Significant Trees.
- › Introduced a new category – tree damaging activity in relation to a regulated tree





Development Plan Amendments

- › Development Plan amendments were required to cover:
 - › The circumstances under which removal of a regulated tree may be warranted; and
 - › The circumstances under which tree-damaging activity in relation to a regulated tree may be warranted.





What is a Regulated Tree?

- › Any tree with a trunk circumference of 2.0m or more measured at 1.0m above natural ground level;
- › In the case of trees with multiple trunks – those with trunks with a total circumference of 2.0m or more and an average circumference of 625mm or more measured at a point 1.0m above natural ground level.





What is a Significant Tree?

- › Is a regulated tree with a trunk circumference of 3.0m or more measured at a point 1.0m above natural ground level;
- › In the case of trees with multiple trunks – those with trunks with a total circumference of 3.0m or more and an average circumference of 625mm or more measured at a point 1.0m above natural ground; or
- › Any tree identified as a significant tree in the Development Plan



What is Tree Damaging Activity?





- › The killing or destruction of a tree; or
- › The removal of a tree; or
- › The severing of branches, limbs, stems or the trunk of a tree; or
- › The ringbarking, topping or lopping of a tree; or
- › Any other substantial damage to a tree.





Exempt Tree Species

- › The Development Regulations list a range of exempt tree species.
- › For example:
 - › Exotic species;
 - › Trees considered to have a medium-high or high risk for limb failure and infrastructure damage;
 - › Common trees planted in urban areas.






Exemptions from Section 6A

- › Sections 6A(1) and (2) do not apply to:
 - › A tree located within 10 metres of an existing dwelling or an existing in-ground swimming pool, other than a tree within 1 of species listed in Regulation 6A(5)(a);
 - › A tree within 1 of the species of tree listed in Regulation 6A(5)(b);
 - › A tree belonging to a class of plants to which a declaration by the Minister under Chapter 8 Part 1 of the Natural Resources Management Act 2004 applies;



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- › A tree that may not be cleared without the consent of the Native Vegetation Council under the Native Vegetation Act 1991;
 - › A tree planted as part of a woodlot, orchard or other form of plantation created for the purpose of growing and then harvesting trees or any produce; or
 - › Until December 31 2014, a tree located at a site where it is proposed to undertake development that has been approved by the State Coordinator-General for the purposes of the Affordable Housing Stimulus Package, other than where the site is a site where a State heritage place is situated.





Exemptions from Tree Damaging Activity

- › Pruning that does not remove more than 30% of the crown of the tree; and
 - › That is required to remove:
 - › Dead or diseased wood; or
 - › Branches that pose a material risk to a building; or
 - › Branches to a tree that is located in an area frequently used by people and the branches pose a material risk to such people.
- are excluded from the definition of tree damaging activity.





QUESTIONS





LYNCH MEYER
MEMBER OF THE KENNEDY STRANG LEGAL GROUP



Kathryn Walker
Partner
Lynch Meyer Lawyers

T > 8236 7632

E > kwalker@lynchmeyer.com.au