

## Regulated and Significant Tree Assistance

<i>Classification:</i>	Council Policy
<i>Policy Name:</i>	Regulated and Significant Tree Assistance
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<i>Responsible Officer:</i>	Director Community and Development
<i>Relevant Legislation:</i>	<i>Planning, Development and Infrastructure Act 2016</i>  <i>Planning, Development and Infrastructure (General) Regulations 2017</i>
<i>Related Policies:</i>	N/A

### 1. Introduction

- 1.1 The purpose of the Policy is to set the framework for providing financial assistance to Burnside community members with identifying and rectifying issues associated with Regulated and Significant trees.

### 2. Strategic Plan Desired Outcomes

- 2.1 *Principle: 1. Service Sustainability*
- Themes: Environment*  
*Place*
- Goals: 2 Our City will be an environmental custodian*  
*3 A city of accessible and living precincts, open spaces, and treasured heritage*
- Priorities 2.2 Canopy cover, greening and open space*  
*3.3 Attractive streets and neighbourhoods with easy access and movement and encouragement of greener transport*

### 3. Our Approach

- 3.1 Promote the protection and management of Regulated and Significant trees.

### 4. Legislative Requirements and Corporate Policy Context

- 4.1 The *Planning Development and Infrastructure Act 2016* and the *Planning Development and Infrastructure (General) Regulations 2017*.

### 5. Interpretation

- 5.1 For the purpose of this policy:
  - 5.1.1 “the Act” means *the Planning Development and Infrastructure Act 2016*.
  - 5.1.2 “the Regulations” means *the Planning, Development, and Infrastructure (General) Regulations 2017*.
  - 5.1.3 “regulated tree” means a regulated tree as defined and, from time to time, amended by the Act and Regulations.
  - 5.1.4 “significant tree” means a significant tree as defined and from time to time amended by the Act and Regulations.
  - 5.1.5 “tree damaging activity” means tree damaging activity as defined and from time to time amended by the Act and Regulations.
  - 5.1.6 “the Crown” means the Crown in right of the State or any of its other capacities.
  - 5.1.7 “Concession card” means a Concession Card issued by the Australian Government.
  - 5.1.8 “Arboriculturist” is a specialist in the cultivation, care and management of trees and shrubs. An Arboriculturist has qualifications pursuant to Regulation 37 of the Planning, Development and Infrastructure (General) Regulations 2017, which allow them to provide specialised advice in areas such as tree risk management/evaluation, veteran tree management or urban forestry.

### 6. Policy

- 6.1 Objective
  - 6.1.1 The purpose of this Policy is to set the framework for providing financial assistance to members of the Burnside community with the management of Regulated and Significant trees.
- 6.2 Eligibility
  - 6.2.1 The Policy only applies to non-government land owners within the City of Burnside, excluding the City of Burnside, the Commonwealth and the Crown.
  - 6.2.2 The Policy is only applicable to trees located within the City of Burnside.

- 6.2.3 The Policy is only applicable to Regulated and Significant trees.
  - 6.2.4 Works must be undertaken by a qualified arboriculturist or another tree-maintenance specialist with the equivalent or greater qualifications (as set out in 6.3.1.4).
  - 6.2.5 Eligible works are works that maintain the health and safety of the tree. Tree-damaging activity in the form of tree removal will not be eligible for reimbursement by these funds.
  - 6.2.6 The Policy does not apply to any work undertaken before 'approval in principle' of the reimbursement of funds.
  - 6.2.7 The Policy does not apply to work undertaken without any necessary consent under the Act.
  - 6.2.8 If at any point in the financial year, committed funds exceed available funds, preference in selection of applications for funding will be given to holders of an Australian Government Concession Card or a Seniors Card.
- 6.3 Application
- 6.3.1 Funds under this Policy will be made available to reimburse owners of land in the following circumstances:
    - 6.3.1.1 In principle, acceptance of applications and their eligibility for this fund must be sought and received from Council before work commences.
    - 6.3.1.2 Payment will be in the form of reimbursement to the previously agreed amount upon presentation of proof of payment and certification by the arboriculturist of approved works. Council may inspect and photograph trees before and after the conservation work.
    - 6.3.1.3 Payment will only be made, in addition to 6.3.1.2, if all necessary consents under the Act have been obtained.
    - 6.3.1.4 Approval in principle of reimbursement will be based on the arboriculture information provided as part of the application, where the advice demonstrates that the work will be beneficial and includes an ongoing management plan for the tree that will maximise the long-term health of the tree.
    - 6.3.1.5 Approval will also be considered where the work is necessary to minimise risk to life and property, provided the work is not harmful to the ongoing health of the tree. The advice must be provided with the application and must be from a qualified arboriculturist having a minimum qualification of Cert V in Arboriculture. The information must be no longer than three (3) months old at the time of application.

- 6.3.1.6 The arboricultural information must clearly:
- i. identify the tree and the work proposed to be funded;
  - ii. describe the work to be undertaken and its effect on the health and safety of the tree; and
  - iii. state whether development approval is required for the work (and why).

#### 6.4 Amount of Funding

- 6.4.1 A reimbursement of up to 75 per cent of the work, capped at \$2,000 per tree, will be made in relation to approved works. Grants will only be approved while funds remain in the budget allocated by Council for the relevant financial year. Consideration may be given to a higher amount of funding, up to \$3,000, at the absolute discretion of the Council. Factors to consider will include the cost of the works and the amenity or ecological value of the tree.

#### 6.5 Repeat Funding

- 6.5.1 Repeat funding will only be considered if there are monies still credited to the budget line attached to this Policy and where there are no other commitments for funding.
- 6.5.2 Applications for repeat funding must demonstrate that the work to be undertaken is legitimate maintenance per an ongoing management plan.
- 6.5.3 Applicants are only eligible for more than one reimbursement in a financial year if they relate to different trees.

#### 6.6 Liabilities

- 6.6.1 Any liabilities arising from the conservation work supported financially by Council shall attach to the grant recipient and/or the arboriculturist and not to the Council.

#### 6.7 Relevant Officer

- 6.7.1 The Group Manager, City Development and Safety, will administer the fund.

### 7. Availability

- 7.1 7.1The Policy is available to be downloaded, free of charge, from Council's website [www.burnside.sa.gov.au](http://www.burnside.sa.gov.au)
- 7.2 The Policy will be available for inspection, free of charge, at the Civic Centre during ordinary business hours, and a copy may be purchased at a fee as set annually by Council.

## **8. Further Information**

8.1 For further information about this policy, please contact:

City of Burnside Civic Centre; 401 Greenhill Road, Tasmore SA 5065

Telephone; 8366 4200; Email; [burnside@burnside.sa.gov.au](mailto:burnside@burnside.sa.gov.au)

Office hours: Monday to Friday, 8.30 am to 5 pm (except public holidays)