

Regulations under the Planning Act, 1982

No. 60 of 1983

*At the Executive Council Office, at Adelaide
12 May 1983*

PURSUANT to the Planning Act, 1982, and all other powers, I, the Governor on the recommendation of the South Australian Planning Commission and with the advice and consent of the Executive Council, make the following regulations.

D. B. DUNSTAN, Governor

Regulations under the Planning Act, 1982

1. The Development Control Regulations, 1982 made 4 November 1982 and published in the *Government Gazette* on the same day at page 1473, as varied, are hereinafter referred to as "the principal regulations".

2. The principal regulations are varied by inserting a semi-colon and the word "or" immediately after paragraph (d) of sub-regulation (1) of regulation 38 and further inserting the following paragraph:

"(e) the clearance of any tree, shrub or plant as prescribed to constitute development, in the Third Schedule of these regulations."

3. The principal regulations are varied by deleting paragraph 9 of the First Schedule and inserting in lieu thereof:

"9. The Clearance of Trees, Shrubs or Plants

The clearance of any trees, shrubs or plants in an area or part of the State if:

- (a) The trees, shrubs or plants;
 - (i) have been planted, maintained and grown for the purpose of commercial production of timber or other forest products; or
 - (ii) have been planted, maintained and grown for the commercial or domestic production of fruit, or
- (b) The clearance is required in conditions of emergency for the prevention of the spread of fires, or where the trees, shrubs or plants represent a danger to life or property."

4. The principal regulations are varied by inserting the following paragraph in the Third Schedule to the regulations:—

"The following acts and activities in the areas or parts of the State described herein shall constitute development:—The clearance of any tree, shrub or plant of a species indigenous to South Australia, but excluding any tree, shrub or plant established by planting or tillage whether it is indigenous or not to South Australia, in the following areas of the State:—

- (a) the whole of the area comprising any council area in the State not being part of or within the metropolitan area of Adelaide, but including so much of the metropolitan area as comprises the council areas of the city of Noarlunga, the district council of East Torrens, the district council of Meadows, the district council of Munno Para, the district council of Stirling and the district council of Willunga; and
- (b) in the whole of the area comprising the land outside council boundaries which is within all or part of the counties, Hopetoun, Kintore, Way, Dufferin, Bosanquet, Hore-Ruthven, Manchester, York, Taunton, Blachford, Hanson, Granville, Herbert, Kimberley, Burra, Young, Hamley, Newcastle and Le Hunte; but
- (c) excluding all lands which are the subject of a pastoral lease or which constitute or comprise a township or any part of a township or form any part of a public road or public road reserve.

'Clearance' shall mean any manner of destruction of tree, shrub or plant and shall include cutting, felling, chaining, rolling, ringbarking, poisoning or burning of trees, shrubs or plants, but shall not include:

- (1) the clearance of any tree, shrub or plant that is otherwise required or expressly authorized by or in pursuance of the provisions of the Act or any other Act or regulations or by any statutory authority in pursuance of such other Act or regulation;
- (2) the clearance of any tree, shrub or plant as may be necessary in the event of an emergency so as to prevent the spread of fires or in the circumstances when the tree, shrub or plant presents any danger to life or property;
- (3) the reasonable degree of clearance of trees, shrubs or plants as may be necessary for use as fencing timber or firewood to satisfy an immediate domestic need but not including any clearance of trees, shrubs or plants for donation or sale as fencing timber or firewood to any other person;
- (4) the reasonable degree of clearance of trees, shrubs or plants as may be necessary to establish fence lines, fire breaks or tracks;
- (5) the clearance of any isolated indigenous tree with a stem diameter at base height not exceeding 15 cm where the greater part of an area in which it is growing has been cultivated and maintained for cropping and pasture;
- (6) the clearance of any indigenous trees, shrubs or plants including yacca (*Xanthorrhoea* spp.) bracken (*Pteridium* spp.) and coastal wattle (*Acacia sophorae*) with a stem diameter at base height not exceeding 15 cm which have encroached upon or form part of an area that has been cultivated and maintained for cropping and pasture;
- (7) the clearance of any regrowth of indigenous trees, shrubs or plants within a period of five years immediately following previous clearance where such act of clearance has been previously approved in pursuance of these regulations or has been carried out prior to the day on which the provisions of the Third Schedule have taken effect;
- (8) the cutting and taking of any sprig, spray or branch as a specimen of any tree shrub or plant provided that the species cut and taken is growing in such reasonable abundance that the act of removal of any branch will not be detrimental to the existing population of that species of tree, shrub or plant in the vicinity of the act of removal;
- (9) the pruning of any tree, shrub or plant as may be necessary to promote its regeneration or promote its shaping for ornamental purposes; and
- (10) the clearance of any tree, shrub or plant associated with Mining Production Tenements."

5. The principal regulations are varied by adding the following paragraph after paragraph 10 in the Seventh Schedule to the regulations:

"11. *The whole of the area comprising council areas not being part of or within the metropolitan area of Adelaide; but including so much of the metropolitan area as comprises the council areas of the city of Noarlunga, the district council of East Torrens, the district council of Meadows, the district council of Munno Para, the district council of Stirling and the district council of Willunga and including the whole of the area comprising the land outside council boundaries which is within all or part of the counties: Hopetoun, Kintore, Way, Dufferin, Bosanquet, Hore-Ruthven, Manchester, York, Taunton, Blachford, Hanson, Granville, Herbert, Kimberley, Burra, Young, Hamley, Newcastle and Le Hunte; and excluding all lands which are the subject of a pastoral lease or which constitute any part of a township or form part of a public road or public road reserve.*—

Applications for consent to all classes of development which would involve the clearance of any tree, shrub or plant of a species indigenous to South Australia but excluding any tree, shrub or plant established by planting or tillage whether it is indigenous or not to South Australia:

'Clearance' shall mean any manner of destruction of tree, shrub or plant and shall include cutting, felling, chaining, rolling, ringbarking, poisoning or burning of trees, shrubs or plants, but shall not include:

- (1) the clearance of any tree, shrub or plant that is otherwise required or expressly authorized by or in pursuance of the

- provisions of the Act or any other Act or regulations or by any statutory authority in pursuance of such other Act or regulation;
- (2) the clearance of any tree, shrub or plant as may be necessary in the event of an emergency so as to prevent the spread of fires or in the circumstances when the tree, shrub or plant presents any danger to life or property;
 - (3) the reasonable degree of clearance of trees, shrubs or plants as may be necessary for use as fencing timber or firewood to satisfy an immediate domestic need but not including any clearance of trees, shrubs or plants for donation or sale as fencing timber or firewood to any other person;
 - (4) the reasonable degree of clearance of trees, shrubs or plants as may be necessary to establish fence lines, fire breaks or tracks;
 - (5) the clearance of any isolated indigenous tree with a stem diameter at base height not exceeding 15 cm where the greater part of an area in which it is growing has been cultivated and maintained for cropping and pasture;
 - (6) the clearance of any indigenous trees, shrubs or plants including yacca (*Xanthorrhoea* spp.) bracken (*Pteridium* spp.) and coastal wattle (*Acacia sophorae*) with a stem diameter at base height, not exceeding 15 cm which have encroached upon or form part of an area that has been cultivated and maintained for cropping and pasture;
 - (7) the clearance of any regrowth of indigenous trees, shrubs or plants within a period of five years immediately following previous clearance where such act of clearance has been previously approved in pursuance of these regulations or has been carried out prior to the day on which paragraph 11 of the Seventh Schedule has taken effect;
 - (8) the cutting and taking of any sprig, spray or branch as a specimen of any tree, shrub or plant provided that the species cut and taken is growing in such reasonable abundance that the act of removal of any branch will not be detrimental to the existing population of that species of tree, shrub or plant in the vicinity of the act of removal;
 - (9) the pruning of any tree, shrub or plant as may be necessary to promote its regeneration or promote its shaping for ornamental purposes; and
 - (10) the clearance of any tree, shrub or plant associated with Mining Production Tenements."

And the Honourable the Minister for Environment and Planning is to give the necessary directions herein accordingly.

D. J. ABBOTT, Clerk of the Council

DEP: 111/83