

Via email: DTI.PlanningReview@sa.gov.au

To the expert panel,

I work as Development Manager in the Public Sector, primarily in project assessment, feasibilities and property due diligence, strategic planning, and project master planning. I have a Bachelor of Business (Property) and a Masters of Urban and Regional Planning, and am a member of the Property Council Future Directions Committee, Planning Institute Young Planners Committee, and consider myself active and engaged in this policy space.

Please find enclosed my submission to the Planning Review Panel – touching primarily on tree policy, infill policy, and with some suggestions relating the continued expansion and elevation of the incredibly useful SAPPa tool.

TREE POLICY

1. What are the issues being experienced in the interface between the removal of regulated trees and native vegetation?

No comment.

2. Are there any other issues connecting native vegetation and planning policy?

No comment.

3. What are the implications of master planned/greenfield development areas also being required to ensure at least one (1) tree is planted per new dwelling, in addition to the existing provision of public reserves/parks?

The requirement to ensure the planting of new trees with the creation of new dwellings/lots is a key policy in the establishment and replenishment of the urban tree canopy, and should be extended to master planned/greenfield development areas.

The policy is proving effective in the infill setting, is straightforward in its application, and is highly intuitive to even a layperson in its intention, cause and effect, which is important in a policy area with such a strong level of community interest.

The prevailing trend of both infill and greenfield development is towards smaller lot sizes with higher site coverage, having the effect of limiting the quantum of suitable land for tree planting on private property – with closer placement of driveway crossovers having the same effect for public verge space and street tree planting.

Accordingly, debates between the relative merits of prioritizing tree planting on either public or private property should be left behind in favour of best practice approaches that ensure the effective and systematic delivery on new trees in both infill/greenfield development settings, as well as on public land – which this policy is a model example of.

4. If this policy was introduced, what are your thoughts relating to the potential requirement to plant a tree to the rear of a dwelling site as an option?

The planting of a tree in the front yard of a property, where possible, is likely to contribute greater overall public value than a tree at the rear of a property – however I support the suggested flexibility where it can be demonstrated to be critical to the design of the home [such as with a narrow or very small lots].

5. What are the implications of reducing the minimum circumference for regulated and significant tree protections?

Firstly, that a greater number and variety of trees would fall under the Regulated and Significant tree protections – and therefore that fewer of these trees would be removed – the extent of which would be subject to other reforms around the permitted removal of Regulated and Significant trees.

Secondly, that those potential infill development sites containing additional Regulated and Significant trees may have their maximum lot output reduced and will be less attractive from a redevelopment perspective, particularly in the shorter term whilst higher yielding sites still exist.

There would also be an overall reduction in the theoretical capacity for further infill development in our existing suburbs – assuming all other factors are held constant – and may also restrict the year-on-year pipeline of realizable infill opportunities to some extent. However, the State will continue to possess the means to further review and increase urban infill capacity into future – and thus I do not believe the impact on supply of current potential infill sites should prevent increased tree protections.

6. What are the implications of introducing a height protection threshold, to assist in meeting canopy targets?

Refer to answer for question 8.

7. What are the implications of introducing a crown spread protection, to assist in meeting canopy targets?

Refer to answer for question 8.

8. What are the implications of introducing species - based tree protections?

The introduction of additional and new measurement thresholds for determining tree significance will have the effect of broadening the number, and characteristics, of trees which are granted Regulated or Significant status, and will thus have the benefit of providing protection to certain species which are of great environmental, biodiversity, or aesthetic value, but which generally do not reach the trunk circumference required to be granted protection.

However, it will also have the impact of increasing the average scope, cost and complexity of engaging an arborist, as the onus will be on project proponents to demonstrate that any trees proposed to be removed do not meet additional criteria. Height and canopy crown measurements are also more likely to be prone to mismeasurement or disagreement as to the correct measurement, notwithstanding the existence of laser and drone based measurement methods.

Additional species-based tree protections might be an opportunity to provide highly targeted protection to specific species which, due to their characteristics, routinely fail to meet the existing circumference thresholds despite being of great environmental, biodiversity, or aesthetic value.

The determination of tree species is already standard scope for an arborist and species-based tree protections would not impact the average scope and cost of engaging an arborist.

In general, if tree protections are to be increased, I suggest that the industry would be most supportive of the continued use of existing methods of assessment (circumference and species), rather than the introduction of new assessment thresholds (height and canopy).

9. Currently you can remove a protected tree (excluding *Agonis flexuosa* (Willow Myrtle) or *Eucalyptus* (any tree of the genus) if it is within ten (10) metres of a dwelling or swimming pool. What are the implications of reducing this distance?

The ability to remove a protected tree (with exclusions) if it is within ten (10) metres of a dwelling or swimming pool is far too lenient and creates a highly counter-productive incentive for project proponents to take an approach of wholesale clearing of any and all vegetation within 10m of an applicable structure to ensure no potential adverse impact on the project – irrespective of whether removal is ultimately even required –and is most often intentionally done to ensure the highest possible lot yields.

The provision exists with the apparent intention of providing property owners with a means to protect their property from tree damage – yet it has become a key tool in extracting higher development yields on infill sites – and is routinely gamed multiple times over on a single site to facilitate the greatest extent of vegetation clearing possible.

Surely, it is appreciated that the application of the provision is broken – it is primarily and extensively used for a purpose other than is intended [in most instances the applicable structure is then demolished for redevelopment] and produces results that are counter-productive to State Planning Objectives.

However, the removal of the provision – with no mitigating measures – would certainly impact the infill capacity of our existing suburbs, and would be opposed by much of the development industry. I note the Property Council of Australia – SA Division (of which I am a member) has made a submission in favour of no changes to this provision, citing the potential risk to property damage, but is completely silent on any mention of its more prevalent usage in facilitating greater development yields on infill sites.

Therefore I recommend that the provision should be removed, with some key exceptions, and some critical reforms in other areas to provide greater flexibility in developing around existing trees to be retained.

- An exclusion in instances where an engineer provides a statement of support for removal of the tree due to its impact on a structure, and the applicable structure is subsequently prohibited from demolition for a prescribed period.
- An exclusion in instances where it can be determined to be substantially beneficial to the management of a property in a bushfire risk area.
- A concurrent reform in the approach around development infringing on the Tree Protection Zone of Significant and Regulated trees;
 - Greater flexibility and acceptance around impinging upon the Tree Protection Zone of Significant and Regulated trees, with the onus of protection and replacement on the project proponent; including the identification of those construction methods which will likely improve the trees chances of survival and/or adopting the use of bond payments returnable upon determination of a healthy tree on project completion; and replacement with a prescribed mature tree if the tree dies.
 - A change in the commonly seen approach whereby a minor [permitted] infringement into a Tree Protection Zone will result in an arborist recommendation to remove the tree presuming potential tree damage.
- Collectively an effort is required to change industry (developers, arborists, councils) attitudes towards acceptance of development in close proximity to large trees or we will continue to experience reluctance at the project scale to make efforts to retain existing trees.

10. What are the implications of revising the circumstances when it would be permissible to permit a protected tree to be removed (i.e. not only when it is within the proximity of a major structure, and/or poses a threat to safety and/or infrastructure)?

No comment.

11. What are the implications of increasing the fee for payment into the Off-set scheme?

Current fees for the tree off-set scheme are woefully insufficient – they do not represent even a meaningful disincentive for the removal of trees, even in instances where the location of a tree is considered a mild inconvenience at best. Fees payable into the off-set scheme should reflect the actual costs of urban tree planting programs – and thus should support the planting of a commiserate number of trees as are removed.

12. If the fee was increased, what are your thoughts about aligning the fee with the actual cost to a council of delivering (and maintaining) a tree, noting that this would result in differing costs in different locations?

I support that the fees associated with the tree offset scheme align with the actual cost of delivering and maintaining trees on public land. Rather than the fees varying from council to council I would recommend that fees align with the average cost of planting and maintaining trees on public land in either the Greater Metropolitan Adelaide, or Regional South Australia, whichever is the relevant jurisdiction.

13. What are the implications of increasing the off-set fees for the removal or regulated or significant trees?

Current fees for the tree off-set scheme in relation to regulated and significant are insufficient. Fees payable into the off-set scheme should reflect the higher cost, in money and time, of establishing and maintaining large mature trees.

14. Should the criteria within the Planning and Development Fund application assessment process give greater weighting to the provision of increased tree canopy?

No comment.

INFILL POLICY

1. Do you think the existing design guidelines for infill development are sufficient? Why or why not?

No, though they have been mostly positive, with some exceptions.

Mandatory tree planting and soft landscaping requirements have been very positive – though diminished by the tree off-set option for which the fees are not commiserate with the actual cost of public tree planting programs which must take up the slack.

Car Parking requirements are too high in specific instances, particularly the requirement for 2 car parking spaces for 2 bed dwellings (where not group, flat or rear-loaded row dwellings). The threshold for the second mandatory car parking space should only apply for dwellings of 3+ bedrooms. New two-bedroom dwellings are already relatively rare despite being sought after by single and couple

households looking for compact living (often with only one occupied bedroom and one car), and despite the would-be benefits of more product differentiation the affordability space. However the current 2 car space parking requirement for 2 bed dwellings brings the land size and cost to build too close to that of a 3-bed 2-car space product [which is the most predominate product by far], and thus 2-bedroom dwellings are not routinely built by the market, and new homes are more homogenous in price and typology than they would otherwise be.

2. Do you think there would be benefit in exploring alternative forms of infill development? If not, why not? If yes, what types of infill development do you think would be suitable in South Australia?

Yes. In the same way as Green Adelaide has produced a guide for the planting of trees on a wide variety of different styles of new development, I believe it would be of great value for Planning SA to develop, in consultation with other agencies and industry, a guide for the good design of a variety of infill development types – particularly group dwellings, flats, row dwellings and higher intensity infill development styles – and potentially expanding into mews, fonzi, and other less prominent development typologies.

3. What are the best mechanisms for ensuring good strategic alignment between regional plans and how the policies of the Code are applied spatially?

One of the most effective means of ensuring good strategic alignment between regional plans and the code is through use of the **SAPPA** map portal to overlay and enable the concurrent viewing of any combination of strategic planning, zoning, overlays, and related data.

SAPPA is my preferred means of interacting with the code and I utilise it every day. I strongly support it's elevation as a primary means of accessing the code – and strongly support the additional integration of further strategic planning overlays.

4. What should the different roles and responsibilities of State and local government and the private sector be in undertaking strategic planning?

Planning SA should chair multi-disciplinary committees and/or reviews on key strategic planning topics with blended public and private sector participation – to provide well-informed advice to government, and to provide for more robust and well-rounded strategic plan updates.