Thank you for the opportunity to submit a response to the Planning and Design Code Implementation Review.

It's great to see the in-depth and broad ranging questions posed by the Expert Review Panel on both trees and native vegetation. Thank you for including them.

I intend to focus on stronger protections for both trees and native vegetation through the lens of climate and environmental sustainability; it doesn't matter how good government policy is, if it does not put these two things at the forefront of considerations.

Trees are the best weapon we have against climate change, delivering us other, broad-ranging benefits too, such as improved health outcomes, cooler homes and cooler streets, thus enabling us to use active transport, feeding back into the improved health outcomes offered by proximity to canopy alone.

I note that the campaigning work that I've been involved in with the Conservation Council over the last 3 years has seen a significant change in the conversation about trees and a developing understanding across the community of the evidence for the benefits of tree canopy and the helping hand it can give us as we battle against climate change. For instance:

An Australian study backed up by similar studies across the world showed that:

Adults with 30% or more of their neighbourhood covered in some form of tree canopy had 31% lower odds of developing psychological distress. The same amount of tree cover was linked to 33% lower odds of developing fair to poor general health[1]*.*

We see a wide range of existing canopy and needs across Adelaide, largely dependent on the age of the suburb and consequently the age and quantity of its canopy. This means that one size fits all protections no longer meet community expectations. We also lose many of the benefits afforded us by good canopy. Disappointingly, we often hear concerns raised when suggestions of strengthening these protections are made. If protections kick in at a smaller trunk circumference for instance, it is often argued, there will be insufficient arborists to meet demand.

Interstate, where stronger protections exist, development still occurs. Protection is just that and cannot be removed at whim. There is no reason why this should not be the case here too.

We have the social licence to make the changes – if indeed we even need it; the available evidence on climate change and trees should suffice. If we don't act quickly and strongly on this, we may leave it too late for future generations to benefit from any changes we make. Time is running out.

[1] https://theconversation.com/increasing-tree-cover-may-be-like-a-superfood-for-community-mental-health-119930

Native Vegetation

Question** - **What are the issues being experienced in the interface between the removal of regulated trees and native vegetation?
Certain native vegetation is covered by the regulatory schemes for native vegetation and planning. For trees in particular, these two sets of protections intersect where a tree meets the criteria for a regulated/significant tree prescribed by the PDI Regulations and is deemed native vegetation under the Native Vegetation Act (NVA). The interface between these two levels of protection is particularly complex when they overlap in areas covered by a Bushfire Hazards Overlay.

It is worth noting that with only 3% of our original vegetation remaining across Adelaide, protection of that remaining vegetation is essential. Any exemptions to these protections should be few and far between, or we will quickly reach the point where there is little point protecting the little that we do have.

We urge the Expert Review Panel to strengthen protections in this area so that future generations have the opportunity to enjoy what remains of this original vegetation.
We also urge certainty in terms of the hierarchy: currently we see NVR and the regulations protecting trees overridden by commercial /development concerns, effectively rendering protections ineffective in many circumstances and often at the hands of government.

Native Vegetation, Regulated Trees and Bushfire Overlays

The Native Vegetation Regulations (NVR) allow for removal of any vegetation within 10 metres of a building (including homes, sheds, carports and structures that have required council approval, such as a large chook house) to provide an 'asset protection zone', regardless of whether the **building** is covered by a Bushfire Hazards Overlay. Additional native vegetation (excluding large trees with a trunk circumference of 2m+ measured 1m above the ground) can be removed up to 20m from a **dwelling**. Therefore:

- Scenario 1 - tree meets criteria for regulated/significant tree prescribed by the Development Regulations 2008, and is deemed native vegetation under the Native Vegetation Act 1991. If the tree is more than 20 metres from a dwelling - development approval and native vegetation approval are both required.
- Scenario 2 - tree meets criteria for regulated/significant tree under the Development Act 1993, and is deemed native vegetation under the Native Vegetation Act 1991. If the tree is less than 20 metres from a dwelling - development approval is not required. Native vegetation approval is required.
- Scenario 3 - tree meets criteria for regulated/significant tree under the Development Act 1993, and is deemed native vegetation under the Native Vegetation Act 1991. If the tree is less than 10 metres from a dwelling - development approval is not required. Native vegetation approval is not required

There are various issues with this;

1-Blanket rules such as these suggest to the general public that big trees are inherently dangerous and that they should be removed from these distances around buildings. The opposite is in fact the case. More on that later.

2-There are no protections for large native trees within 10 metres of a building. With the overlap of NV and Bushfire Hazard overlays, the 20 metre rule is frequently used to override the NVR by 'accident', resulting in the removal of pre-European settlement trees for structures such as solar

panels or because they make a mess. As a result the NVR unintentionally lessens protection for regulated trees deemed as native vegetation.

3-The 10 metre rule (NVR) applies to buildings, whereas the 20 metre rule (PDC) applies to dwellings. This adds a further level of confusion for homeowners and often increases the amount of native vegetation that can be cleared. Additionally, the building or dwelling does not even need to be on the same property as the tree. A shed on a neighbour's property can be used as a reason to remove a tree, even though the neighbour wants it to remain. This rule is also mis-interpreted as allowing the removal of virtually anything within the 10 metre zone, whether for maintenance or not. While 10m from a building might make sense in rural areas, its application in the peri-urban areas is unwarranted. The removal of matures trees to protect small sheds is not justifiable.

4-Native vegetation protections only apply if the tree / vegetation is native to the local area and not planted. Fundamentally impossible to prove, particularly in regard to large trees this allows people to choose the exemption which works best for them.

5-There is no definition of maintenance, leaving it open to misinterpretation.

6-Blanket clearance exemptions for large trees in bushfire prone areas suggest that trees near homes are inherently dangerous. Branches overhanging a home may drop embers onto the home, but can be pruned for asset protection without tree removal being required.
There are two further problems with this exemption.
Firstly, big trees can reduce wind speed, slowing the fire. When we remove them, we remove this benefit provided by them.
Secondly, they are often replaced with fine fuels planted right up to the house. These burn readily, taking the fire and radiant heat, damaging in itself, closer to the asset.
In an ember attack large trees can prevent embers from reaching the roof of a house. The NRM Fact Sheet, Native Trees in Burnt Areas, published in January 2020 asks:

Are trees significant fuel for bushfires? In a bushfire, the most significant fuels are in fact 'fine fuels' such as grass, leaves, bark and twigs, that are less than 6 mm in diameter. Fine fuels catch fire easily when dry and 'carry' a fire. To reduce bushfire risks, it is important to manage debris and vegetation that makes up these fine fuels near your home and around other assets. In areas around assets, you may need to trim low branches as they can help connect fine fuels below a tree with the tree canopy. Any trees within 20 metres of your home should not overhang the house and it's recommended to have spaces between tree canopies. But remember trees are not your enemy. They can trap embers, reduce wind speeds and act as a radiant heat shield' (source: CFS booklet 'Your guide to bushfire safety').

The NVR allow for removal of vegetation within 5 metres of a fence line. If the fence marks the boundary between two properties, the fire break cannot exceed a total of 5 metres. The intention is to allow farmers to maintain fuel breaks around their fences.

However, it is being used in metropolitan Adelaide to remove large trees without the need for approval to do so, in suburbs considered medium/high bushfire risk such as (in the Mitcham Council area alone), Belair, Blackwood, Glenalta, Bellevue Heights, Craigburn Farm, Coromandel Valley, Eden Hills and Hawthorndene. There is nothing in place to ensure that clearance is for a fuel break. Additionally, while restricted to specific types of fences, the enforcement of this is nearly impossible.

I suggest that this is changed so that the exemption applies only outside metropolitan Adelaide or to areas with an applicable primary production zoning, as occurs in Victoria.

The most recent Conservation Council of SA report *Tree Preservation and Bushfire Prevention: A Comparison of Australia's Bushfire Clearance Exemptions* published in conjunction with their partner organisations (Trees for Life, National Trust of SA, Nature Conservation Society of SA, AILA) and with the endorsement of the CFS and the Native Vegetation Branch, closely examines key issues in this area and proposes practical solutions to prevent the unnecessary loss of trees in bushfire prone areas and to better protect these areas.

Native Vegetation (NV) & Regulated Trees (RT) WITHOUT Bushfire Overlays

The intersection of NV and RT without any Bushfire Hazard Overlays, whilst simpler, is still complex, especially for the average resident. Currently, if a large tree is exempt from one of these protections, the homeowner must still get approval under the second set of protections. However, many homeowners and 'arborists' are unaware of this, leading to the illegal removal of large trees that should be protected and of smaller trees that don't meet requirements to be classified as a regulated tree but are protected under native vegetation.

There are significant compliance issues with this as well, particularly in areas with higher residential densities. While Councils manage compliance for regulated trees, they have no jurisdiction over native vegetation.

Question - Are there any other issues connecting native vegetation and planning policy?
It's possible to remove NV in order to build or sub-divide. Given the current clearance allowances around building and fences, as well as the increased crossovers required by sub-dividing land, the cumulative impacts of this are significant if we continue to allow sub-division and building in areas covered by native vegetation. I can't see a stop being put to this, can you? We therefore need to look at the clearances that are allowable and meet community expectations on protection of our native vegetation, of which only 3% remains.

A native vegetation first policy would see creative design and lead to better outcomes. If we don't change this there will be so little native vegetation remaining that protecting what does remain will be pointless. This is a legacy that does not sit well with the community.

The NVR do not allow the use of clearance exemptions during a subdivision, but landowners can get around this by using an existing house, or even a house on an adjacent block, to clear native vegetation and then submit an application to sub-divide.

I recommend the removal of the blanket 10m asset protection zone under the NVR. Blanket exemptions are lazy and often abused. For trees within 10m of a building, the current situation sees SEB offsets having to be paid, even if the intention is to retain. Once paid though, the temptation is to remove as the payment of the SEB has added to the costs of the home, so you might as well get your money's worth…..

Tree Canopy

Question - 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?

I love the message that this sends. We are all responsible for making a contribution to tree canopy across Adelaide. Exceptions should be few and far between. It should not be something that is only the bailiwick of those on larger blocks. This is an equity of access issue. Canopy is a right, not a privilege and the benefits it provides should be available to and enjoyed by everyone. There are financial benefits too, in not needing to use air conditioning all the time.

I urge the Expert review Panel to apply the Urban Tree Canopy overlay requirements to homeowners undertaking a renovation or extension. Significant canopy loss is occurring in established suburbs where homeowners either double or treble the size of a house through an extension, often also adding a pool. Walkerville's canopy, for instance, has taken a thrashing over the last ten years, with mature trees being removed for renovations and pools, rather than from 1 into 2 sub-divisions. Canopy in Walkerville dropped by 11% in the 10 years to 2021, coinciding nicely with the addition of exemptions to the original tree regulations.

I would like to see at least one tree per dwelling in ***all*** developments, including master-planned & greenfield developments. For the latter two development types, this would not change existing provisions of public reserves and parks.

Question - 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?

Street trees have become increasingly valuable as tree laws have allowed the removal of trees from private property. A street tree and a tree in the backyard of every property should be our aim. Additionally, I would like to see an additional charge to developers that would enable Councils to install Treenet inlets for every street tree once development on that site has been completed. Canopy is a significant factor in mental and physical health, so the provision of it should be put ahead of profit. Easements at the rear of master-planned developments would allow for bio-diversity corridors, in perpetuity.

If we focussed on endemic species, that are climate appropriate, we could develop significant bio-diversity corridors. (Refer to *Adelaide Garden Guide*, published by Green Adelaide & the State Planning Commission, September 2022)

If we put in appropriate green infrastructure such as endemic trees and under-storey, there is evidence to show that bio-diversity will increase – build it and they will come! The Forestville Reserve in Unley is an oft-touted example of this. There is no reason why we can't get the same results across master-planned developments through the use of easements.

Additionally, the planning of green-field / master-planned developments, should occur as it does in the Mount Barker. There, Council audits trees on the site before plans for subdivision are put in place. Some trees are of such quality that they must remain on public land and this is not negotiable; others less so and may be removed under negotiation.

Tree Protections

Question - What are the implications of reducing the minimum circumference for regulated and significant tree protections?
I'd like to see this occur, as our current laws do nothing to protect the next generation of the urban forest. This would see that occur.

This table from *Urban Tree Protection in Australia* (Caddy-Retalic et al) summarises what we see interstate.

Table 8: Average minimum independent dimension protection thresholds

State or territory	Minimum independent height protection threshold		Minimum independent circumference protection threshold		Minimum independent crown spread protection threshold	
	No. councils with threshold	Average threshold (m)	No. councils with threshold	Average threshold (cm)	No. councils with threshold	Average threshold (m)
ACT	1	12	0	-	0	-
NSW	28	4.24	22	58	14	3.50
NT	0	-	0	-	0	-
Vic	17	5.71	23	58	4	4.00
WA	6	3.33	5	44	3	3.00
Total	**52**	**6.32**	**50**	**53**	**21**	**3.5**
SA	Protection not used	-	Protection in use	200	Protection not used	-

While size metrics tend to be correlated - taller trees tend to have larger trunk diameters and crown spreads - some species or growth forms may not meet a single size threshold, even if they reach advanced age. For example, grey box (*Eucalyptus microcarpa)* trees in Adelaide rarely reach the 3m trunk circumference required to be classed as Significant, even when over a century old.[i2]

The protections in place interstate do not hinder development. They make it clear that all trees, not just our biggest and oldest, are valuable.

Significant numbers of local species never gain protection here under the 2 metre "rule. Reducing the minimum circumference would protect them too.

Our current situation sees:

- Smaller blocks
- Bigger homes – no room for a tree, we say!
- and regulations that state that a tree is protected unless development that is "reasonable or expected" could otherwise not go ahead.

This combination of factors sees many trees unprotected and vulnerable to removal.

We often allow the removal of canopy providing trees in exchange for poorly designed homes, with low climatic suitability, high running costs and no thought given to sustainability. We can't keep doing this!

[2] Urban Tree Protection in Australia: Review of Regulatory Matters. Belder, Delaporte & Caddy-Retalic

New developments in Brisbane must set aside 15% of the total land size to plant large subtropical trees that will not be overshadowed or planted over pipes or underground car parks. This is a mandatory requirement - no exemptions! – and one well worth emulating here.

(ABC News: https://www.abc.net.au/news/2022-12-07/brisbane-deep-planting-subtropical-trees/101743810)

Change the criteria to protect regulated trees through a smaller trunk circumference or height-based protections and the qualitative retention tests will need to be revised. Failure to do so would fail to protect additional trees, keeping protections at current levels (often non-existent) and merely seeing owners forced to apply for their removal.

Therefore, we should reduce the trunk size required for protection to 50cm as recommended in *Urban tree protection in Australia – A review of regulatory matters* and introduce canopy and height as additional protections.
Therefore, we would see trees protected with circumference of 150cm and /or height of 10m and/or canopy of 13m2.

Question - What are the implications of introducing a height protection threshold, to assist in meeting canopy targets?
This would ensure canopy providing species are favoured over many smaller trees, thus increasing canopy. Development is not held back interstate, where more Councils use height than trunk circumference to protect trees.

Question - What are the implications of introducing a crown spread protection, to assist in meeting canopy targets?
We measure success in South Australia by the increase in tree canopy cover (30 Year Plan for Greater Adelaide), but we don't include it in protections. Why not?!

Councils could be supported by the State government to achieve their canopy goals through PDC overlays that apply a greater weighting to canopy-providing trees in areas of low canopy cover, recognizing the relatively important role played by such trees.

Councils such as Playford, where canopy is below 10%, would be able to meet the expectations of their local community and more vigorously protect existing canopy. Under the 30 Year Plan for Greater Adelaide, a 20% increase to canopy of 10% still only results in canopy of 12%: equity of access is important.

Importantly, I would suggest that the review change the protections to Regulated and Significant trees as follows:

Follow the recommendations made in Adelaide University's report *Urban tree protection in Australia* and change the definition of a Regulated tree to one that:

- Has a trunk circumference of 50cm or more measured 1m above the ground
- Or has a height of 6m or more
- Or has canopy of over 9sqm

A Significant tree could then be one that has

- A trunk circumference of 150cm or more measured 1m above the ground
- Or a height of 10m or more
- Or a canopy of over 13sqm

For trees that are defined as “Native” under the Native Vegetation Regulations 2017:

- 5m or more in height and
- Having a trunk circumference of 30cm or more measured at 1m above the ground

Recognising the current shortage of arborists seeking to mitigate this, we recommend that:

- Regulated trees would not require an arborist’s report for removal & their applications would go straight to Council
- Significant trees require an arborist’s report for removal before going to Council for approval (or not)

The above changes would require changes to the qualitative retention tests (outlined in PO1.1 and 1.2 of the Regulated and Significant Tree Overlay). Changing the definition of a regulated tree without changing the retention tests would not strengthen existing protections, given that, rightly or wrongly, many see an application to council as a mere rubber stamping exercise

So, I suggest that tree damaging activity is only allowed to occur to a Regulated tree to:

- Remove a diseased tree where its life expectancy is short
- Mitigate an unacceptable risk to safety
- Rectify / prevent extensive damage to a building of value
- Treat disease or otherwise in the general interests of the health of the tree and / or
- Maintain the appearance and structural integrity of the tree
- Allow development that is reasonable in accordance with the relevant zone or subzone to occur

I also suggest that the qualitative retention test does not apply to Regulated trees
A Regulated tree could only be removed to allow development or remove unacceptable risk.

This would see tree damaging activity allowed to occur to a Significant tree only to:

- Remove a diseased tree where its life expectancy is short
- Mitigate an unacceptable risk to safety
- Rectify / prevent extensive damage to a building of value
- Treat disease or otherwise in the general interests of the health of the tree and / or
- Maintain the appearance and structural integrity of the tree
- Allow development that is reasonable in accordance with the relevant zone or subzone to occur unless the significant tree:

    - Makes an important contribution to the character or amenity of the local area *or*
    - Is indigenous to the local area *or*
    - Represents important habitat for native fauna *or*
    - Forms part of a wildlife corridor of remnant native vegetation *or*
    - Is important to maintaining the biodiversity of the local environment *or*
    - Forms a notable visual element to the landscape of the local area

Developers would be required to design around the tree/s. Current corner to corner block clearing results in "cookie cutter" design, adding nothing to the character of the area and very often removing the trees which do make a significant contribution to it.

Question - What are the implications of introducing species-based tree protections?
Species-based protections fail to recognise the contribution of all species to our urban forest. It is all too easy to get it wrong and to therefore remove a tree that is actually protected.

Species-based protections have seen huge numbers of trees removed across Adelaide. The relatively recent splitting of Eucalypts into Eucalypts, Angophoras and Corymbias. Great numbers of otherwise healthy and productive (canopy, food and habitat providing) trees have been removed from suburban backyards as successive governments have failed to amend regulations to recognise this taxonomic change.

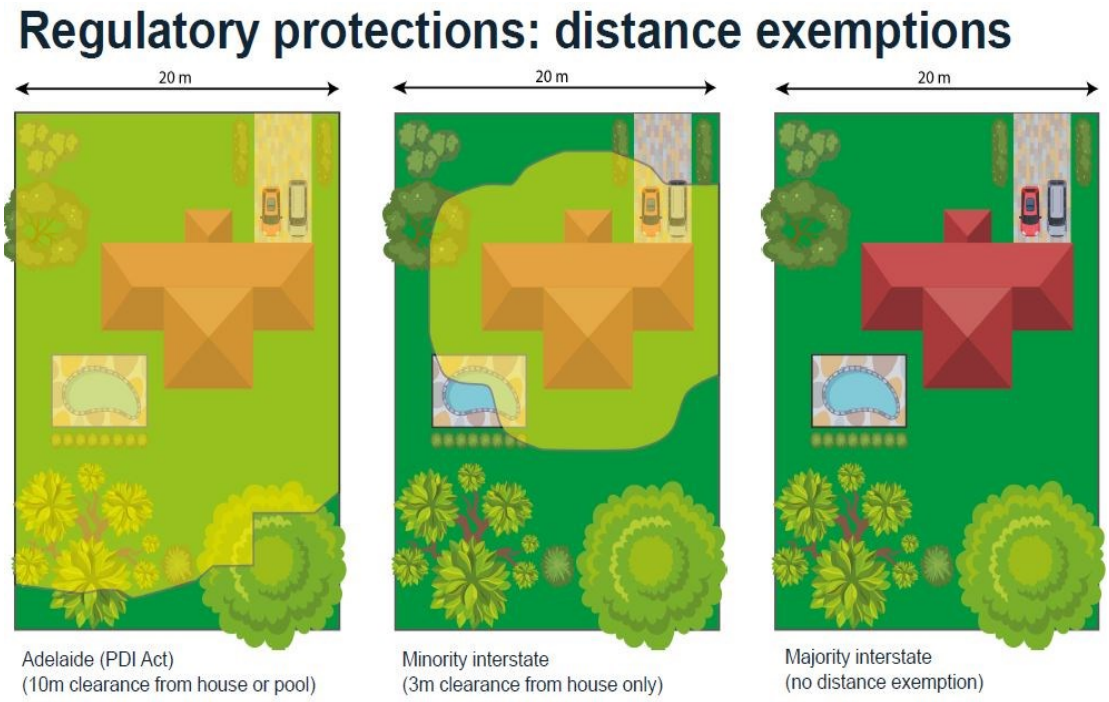
A recent court case highlighted the removal of a protected tree which had been mis-identified by an experienced arborist. Identification should have been simple using either blossom or nuts, neither of which was on the tree at the time it was identified. The tree was removed –and it was a magnificent tree, contributing to the canopy and aesthetics of the area.

The blanket removal of protections on weed species, without consideration of context (ie: location) should be reconsidered. A weed species is not necessarily a weed in every location. We recommend avoiding blanket species protections.

Distance from Development

Question - 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?
Changing this would better reflect the value of trees and would also take into account the reduced size of blocks across Adelaide. Currently, there are few trees protected across Adelaide, because of this exemption.

The following slide courtesy of Dr Stefan Caddy-Retalic (University of Adelaide) illustrates clearly the differences between South Australian regulation and the protections afforded by our interstate counterparts.



Using a structure on my neighbour's land, I can remove a tree on my land (if the tree fails to fall within 10m of my own home or structure which, let's face it, these days is unlikely), even if the neighbour is not seeking removal of the tree. This loophole should be removed. In Victoria I would have to have the written consent of my neighbour to be able to do this.

It is worth noting that the structure within 10m of the tree does not need to be in usable condition to allow removal under these circumstances.
Copy and paste the following web address into your search engine and you'll see a video that shows the removal of a significant tree after a developer navigated our current tree protections. This incident has quite rightly caused outrage across Adelaide. When I played it to a colleague, she stopped me part way through. She wasn't watching it, just listening to the audio and couldn't stand to hear any more. People have been in tears after seeing the video.

https://www.facebook.com/SaveOurTreesSA/videos/436311058577505

Blanket exemptions are lazy and should be avoided; they are too easy to abuse.

Question - 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)?
People often buy homes with remnant (pre-European settlement) trees on the block and then seek their removal at the first sign of a crack. We should protect trees such as these through a "trees first' approach. Engineers are well known for being risk-aversive. Adelaide's highly reactive clay soils can produce cracks big enough to put your hand through, with no tree in sight. Yet, a tree in sight will often be blamed for similar such damage, without the use of technology to provide indisputable proof.

We must ensure appropriate selection of trees in terms of both soil and location, that we engineer new homes to cope with the proximity of trees and that we put the value of trees ahead of the profit of developers. Research carried out on behalf of the SPC shows that additional costs of better engineered footings are not as significant as the development industry would have us believe (some $3000 from memory).

The system currently allows for trees to be removed if they are damaging a structure of value. If the focus is to remain on protecting structures of value and this is reasonable, the level of evidence required should be increased. As sub-division and larger house sizes see us build closer to trees, consideration could be given to providing trees with a greater level of protection

We need a programme of public education on the risks of living with trees. The risks of living without them (melanoma, a more sedentary lifestyle through reliance on the car) are significantly higher than many of us believe.

Ann Doolette, in Busting Tree Myths: Protecting Adelaide's Big Trees, Conservation Council of SA, 2021, points out that data compiled from a 12.5 year period from the NCIS

found that 51 deaths were directly linked to trees, that is, "…an annual mortality rate from tree failure during this period [was] in the order of 1 in 5 million…"[6]

"… storms or strong winds were associated with 68% of the fatalities that recorded weather and a further 18% involved saturated soils or severe wind on the day of the failure or the immediately preceding day. This results in a total of 86% of occasions where the weather was a significant contributing factor."[7] The study concluded: "Without question, the most significant impact on reducing the risk from tree failure will come from broad spread public education.

The risk of dying from a melanoma is 1 in 13,500, yet we continue to spend time outdoors and we continue to remove trees and the invaluable shade they provide.

Public education on the difference between real and perceived dangers posed by trees is essential. They are nowhere near as dangerous as some would have us believe.

Urban Tree Canopy Offset Scheme

Question - What are the implications of increasing the fee for payment into the Off-set scheme?
Sufficiently high increases should see the almost automatic removal of trees become a less attractive option. Combined with the actual removal costs, this should be enough to make retention preferable. The current fees are set so low that they make retention unappealing and combined with the higher fees charged by demolition companies to work around trees make removal an appealing option. Smaller, better built homes with a smaller footprint, both geographically and environmentally, are part of our responsibility to future generations.

Significantly more compliance work should be undertaken. Perhaps an increase to the fee could include an amount set aside for ensuring compliance?

Currently, nothing is done to ensure that trees to meet the requirements of the Urban Tree Canopy overlay are planted, let alone established or maintained. T\\he offset scheme should be abolished and greater priority given to mandating the planting & maintenance of trees on development sites. Increases in the offset fee will either push more homeowners to retain or plant a tree or alternatively, see developers pay the fee and pass the cost on to the purchaser, enabling people to choose between a cheaper home with canopy or a more expensive home without.

Offsets should always be the last resort, yet time and time again we see them being put forward as the first preference. We recommend a measured approach which sees them increased to reflect the true value of trees as community assets and to the extent where they make removal of the tree and payment of the offset the less appealing option.

Question - 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?

For Mitcham Council it costs approximately $3000 to get a tree planted and to the point where it is considered to be established, yet the offset can be as little as $300.

Clearly, the cost of providing trees in master-planned and greenfield developments is lower than in established suburbs.

The offset scheme was vigorously opposed by Councils, community groups and individuals, but still went ahead. The State Planning Commission had no idea what proportion of Adelaide was covered by the zones and soil types when they were introduced. Mitcham Council has worked through soil samples from engineering reports and believes that some 75% of the Council area is covered by the soil types alone.

It is a great opportunity to ensure that the cost payable is calculated to reflect the need of that community for canopy. Where canopy is lowest (and we recommend this be done on a suburb by suburb basis, rather than all of Council), the fees are greater in order to help provide for a greater number of canopy-providing trees to be planted.

Cost benefit analysis supplied to the State Planning Commission in the ground-work done before the implementation of the PDC put the value of the average unregulated tree at $3,435, of a regulated tree at $6,870 and of a significant tree at $10,305. Arboriculture Australia has recently developed a Minimum Industry Standard for tree valuation (MIS506) which calculates Valuation as follows:

Valuation = (Market baseline value) x (Land use factor) x (Social factor) x (Quality factor)

Market baseline value uses trunk diameter at breast height and considers the phase of tree growth (young / semi-mature / mature) to determine the baseline value of the tree. The baseline value in 2022 is $16.78/cm2 trunk area.

Land use factor considers land use zones based on local/state government zoning areas, including residential zones, public recreation zones, infrastructure zones and conservation zones.

Social factor considers a range of variables including the tree relationship to other trees, eco-system considerations, human population density and tree significance (indigenous / cultural / heritage / scientific)

Quality factor considers a range of factors relating to tree vitality, health, vigour, form, structure and life expectancy

This MIS recently saw a 22m Sugar gum at Hawthorndene (with a trunk circumference of 379cm) valued at $92,804

We believe that MIS506 considers a range of highly relevant factors and recommend it be used to ascribe more realistic values to trees.

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

The low costs currently associated with these off-set fees do not reflect the value of the trees to the community: nor do they suggest that the current protections are anything other than tokenistic. It is

taken for granted that if someone wants to remove a protected tree, they are pretty well guaranteed to be able to do so.

The contribution of our regulated and significant trees to canopy cover, to our skyline and to our mental and physical health is significant. We should also recognise the role that they play in the establishment of new generations of forest and to the contribution that they make to the stability of the existing forest and calculate offset fees accordingly.

Public Realm Tree Planting

Question - Should the criteria within the Planning and Development Fund application assessment process give greater weighting to the provision of increased tree canopy? With the break-down of land ownership in SA being 80:20 private:public, we don't have the same kind of buffer that interstate jurisdictions do, yet they still have stronger protections for trees on private land than what we do.

Sydney, Melbourne and Perth have more green public space than Adelaide, but the myth of being surrounded by a belt of park lands persists and we still allow the removal of significant numbers of trees from private land, every year, to the extent that we are seeing a net loss of some 75,000 trees every year.

We need a two-fold approach that appropriately values existing trees on private land and mandates the planting of more trees to create the canopy that we will need even more desperately in the future.

Additionally, we would like to emphasise the unique opportunity that the State government has to make a pivotal change in how we protect trees. The community attitude to trees has already shifted and it is high time that the protections afforded them by regulations and implements such as the PDC catch up.

Seeing protections applied in a one size fits all approach isn't working and to a certain extent is politically challenging. We know that what works in a leafy eastern suburb doesn't necessarily work in a northern or western suburb where loss of tree canopy is not the issue, so much as not having the canopy to lose in the first place.

Minimum standards across the state and government support to code amendments put forward by local councils would be an effective tool. Protections put in place by Councils interstate are there to meet community expectations; this is stated clearly by the Councils. Code amendments such as vegetation overlays are a simple yet effective tool that can tailor the approach council by council – indeed suburb by suburb, if that level of detail is required.

The following link will take you to the vegetation overlay in place in the City of Banyule. You will see that there is absolute clarity about what is protected, making the system workable for all and with grey areas removed, providing wins for community and development.

https://planning-schemes.app.planning.vic.gov.au/BANYULE/ordinance/42.02

Finally, I would like to address some key issues, not covered by the above questions.

I would like to see the Panel recommend that the Minister and/or other relevant bodies / Ministers:

1 - Implement new bushfire clearance allowances that reflect the Bushfire Attack Level rating for the property. Refer to Our most recent report *Tree Preservation and Bushfire Prevention: A Comparison of Australia's Bushfire Clearance Exemptions* for further detail on this and other recommendations.

2 -Remove the ability to prune up to 30% of a regulated / significant tree without requiring council approval and implement a system that requires the use of the AS4373 Standard. The use of AS4374 allows for pruning as long as it is not detrimental to the health of the tree. Given the high variability in the amount of pruning that a trees can take, the use f this stanard ensures that the context of the individual specimen is taken into account.

3 - Councils should be supported to increase the use of arborists to assess applications affecting significant trees and allow for streamlined approval processes for applications to remove regulated trees.

4 – The exemption currently in place that allows Department of Infrastructure and Transport and the Department of Education to remove Regulated & Significant trees without planning approval should be removed. Government should lead by example; the community views this current exemption as a double standard, and rightly so. The DIT exemption results in planning approaches that deliver poor outcomes. The DECD exemption, often used after a tree has dropped a limb, reinforces the incorrect assumption that trees are inherently dangerous.

5 – The removal of protected trees should not be allowed until all relevant planning and development approvals have been granted. Trees are often removed, planning consent not granted and blocks on-sold. Ultimately, if the tree(s) were removed, we would at least have had the various benefits offered by them for the period of time taken by the developer to reach the point of being ready to develop. The Glenside redevelopment, particularly the north-west corner, is a great example of this.

Thank you for the opportunity to provide input to the review.

I would be happy to provide further information should you require it.

Yours sincerely,

Joanna Wells

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