

From: Helen Macilwain

To the Expert Review Panel,

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

Dear Panel Members,

Thank you for the opportunity to address you on my concerns re our new Planning and Design Code.

My key concerns are that South Australia's regulated and significant tree laws are not best practice in the national context and are no longer fit for purpose, in particular they cause unnecessary tree removal and provide little confidence in being able to improve tree canopy in our urban areas.

This has had a detrimental impact on my local area, resulting in removal of the few trees we have with the surge of infill development. My local area is the Le Fevre Peninsula part of the Port Adelaide Enfield LGA which has the lowest tree canopy coverage (9.89 per cent) in Adelaide Metropolitan Area.

There is plenty of scientific evidence to show that given the climate crisis we are currently facing, the evidence shows that tree canopy is one of the best ways to mitigate against urban heat island effect. Heat stress has a major impact on population health a factor that is already poor in my local area.

I am keen to see these issues addressed for the following reasons:

- Provide opportunity to reform South Australia's laws for urban trees and native vegetation and transform our protections and regulations from the worst in the country to one of the best
- Health and safety of the people who live in South Australia
- Protection of existing habitat for animals and birds which are disappearing from our neighbourhoods and reserves

For these reasons I ask you to support the following key priorities:

Recommendation #1 - Remove exemptions from existing Regulated / Significant Tree Protections and Native Vegetation Regulations

- a) 10m and 20m Rules – Planning, Development and Infrastructure Act Regulations covering Regulated and Significant Tree Protections. This exemption is a primary cause of the wholesale corner to corner block clearing that occurs for development across metropolitan Adelaide and in my local area. Critically, there are no checks and balances to assess that the tree is causing damage to an asset of value before it is removed.
- b) Review and modify the list of tree species exempt from being classified as regulated/significant to better reflect the South Australian environment
- c) 10m and 5m fence rules - This exemption is intended 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. There are no checks and balances to guarantee that clearance is being undertaken for the intended purpose.

Recommendation #2 - Changing the definition of a regulated tree

Bring South Australia into line with Victoria and New South Wales so that a regulated tree:

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

Port Adelaide Enfield LGA has tree canopy coverage of over 9 sqm in less than 5per cent as a proportion of its area. (ref: S J Holt Aerometrix Report, BR01886 – LIDAR derived tree canopy coverage metrics across Adelaide, South Australia. Report 1: Local Government Areas)

Recommendation #3 - Incorporate Vegetation Overlays into the Planning and Design Code

South Australia has a one-size-fits-all approach to tree protections unlike our interstate counterparts, where Councils are responsible for determining which trees and vegetation are protected.

The South Australian approach fails to respond to the expectations of the local community, doesn't take into account local tree species and means that areas with less canopy are unable to choose to better safeguard their existing canopy through stronger protections.

Recommendation #4 - Bushfire Attack Level Clearance Allowances

Implement new bushfire clearance allowances that reflect the Bushfire Attack Level rating for the property

Recommendation #5 - Require all pruning of regulated/significant trees to be carried out according to the Australian Standards AS4373 for Pruning of Amenity Trees.

Recommendation #6 - Streamlined Approvals

Increase the use of arborists to assess applications affecting significant trees.

Allow for the use of ecologists to identify significant tree and significant habitat associations to protect vulnerable and endangered species.

Recommendation #7 - Remove Government Exemptions

Restore the requirement for the Department of Infrastructure and Transport and the Department of Education to publicly consult and gain planning approval to remove regulated trees.

Recommendation #8 - Improve the Planning and Design Code Urban Tree Canopy Overlay and associated Off-set scheme to better reflect the value of trees to the community by;

- a) Increasing the fees to match the costs incurred by Councils to plant, establish and maintain replacement trees; and
- b) Increasing the number of trees to be planted

Recommendation #9 - Increase the Cost for Removing a Protected Tree where permission is granted

Homeowners to replant or make a financial contribution for the loss of that tree at a set rate significantly higher than currently set

Developers to plant and make a financial contribution which will depend on the size and location of the tree they are seeking to remove.

Recommendation #10 - Prevent the Removal of Trees Before Development Applications are Approved

I look forward to the panel making recommendations that match interstate best practice. Allowing councils greater say over which trees are protected and in which circumstances would do this and would also meet community expectations for their local area.

Your sincerely,

Helen Macilwain