



LEAN Labor Environment
Action Network SA

Expert Panel for the Planning System Implementation Review
Department of Trade and Investment

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

15 December 2022

Dear Members of the Expert Panel,

Please accept these comments prepared by the Labor Environment Action Network SA (LEAN SA) Executive on behalf of our members.

The Planning System Implementation Review (PSIR) is welcomed by LEAN SA as is the experience and expertise of the Expert Panel members. The Review presents numerous opportunities to improve the management of trees and vegetation through South Australia's legislative framework. LEAN considers there to be two main areas for reform; the preservation of existing tree canopy and native vegetation, and greater remediation in cases where trees and vegetation are removed.

Tree Preservation

The preservation of existing regulated and significant trees must become a guiding principle of planning and development. Tree management regulations should reflect the numerous health and environmental benefits established trees provide, which are not easily offset by planting juvenile trees.

To this end, exemptions from existing protections for regulated and significant trees should be removed. This includes the 10m and 20m rules in the Planning, Development and Infrastructure Act and the 10m and 5m fence rules in the Native Vegetation Act Regulations.

While the intention of these exemptions is to allow South Australians to implement their bushfire management plans, the blanket rules across the State allow for misuse and misinterpretation, particularly in suburban areas. Bushfire clearance allowances should be implemented on a more localised basis which reflect the Bushfire Attack Level (BAL) rating of properties.

South Australia's tree regulations should also be brought into line with other states by changing the definition of a regulated tree to one that has a trunk circumference of 50cm or more, has a height of 6m or more or has a canopy over 9 sqm. Even with these changes in place, there should be clearly defined limitations on who can assess applications where approval is being sought to remove regulated trees. Qualified arborists should assess these applications as well as provide greater oversight over proposed tree maintenance.



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In addition to the number of exemptions and loopholes which exist for removing existing trees, the cost of doing so for developers does not sufficiently incentivise innovative development practices to maintain them. Too often, the comparatively meagre financial consequences of removing existing trees are not enough to deter developers. Consideration could be given to a bond program on significant trees as is the case in the City of Melbourne.

In this program developers pay a bond to the City of Melbourne Council when construction activities have the potential to impact public trees. The amount of the bond incorporates the combined amenity and ecological values of the trees and is held for the duration of works. Implementation of a similar scheme at a local government level here in South Australia could help disincentivise developers from removing existing trees and promote more ecologically sensitive development practices.

Offsetting Tree Removal

While tree removal should be a last resort, when removal is deemed necessary to accommodate development, additional requirements should be introduced which offset the environmental and social impact. This includes a review and adjustment of the Urban Tree Canopy Offset Scheme to better reflect the value of existing trees to the community. This would include increasing the fees to match the costs incurred by local government for the planting and maintenance of replacement trees and increasing the number of trees planted overall.

More comprehensive consideration must be given to the number of new tree plantings which will be required to adequately offset the removal of existing trees as well as the types of trees that have been removed. Homeowners who remove a tree for development on their properties should also be required to replant or make a financial contribution at a set rate which is significantly higher than it currently is.

With respect to replanting, it is also evident that there is minimal follow up to ensure developers and homeowners are meeting their obligations to offset the detrimental impact of tree removal. It is worth investigating a greater provision of powers to ensure accountability by empowering local governments to monitor and report on replacement tree growth where possible. In terms of offset, there should not simply be a focus on replanting but also on the ongoing establishment and maintenance of replacement trees.

We trust you will consider LEAN's comments in good faith.

Yours Sincerely,

Cameron Hurst
Campaign Coordinator