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**From:** Hardy, Rhiannon (DPTI)  
**Sent:** Thursday, 28 February 2019 1:28 PM  
**To:** DPTI:Planning Engagement  
**Subject:** FW: Mount Barker Council Response: Significant Tree Legislation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI - Regulations submission

**Rhiannon Hardy**  
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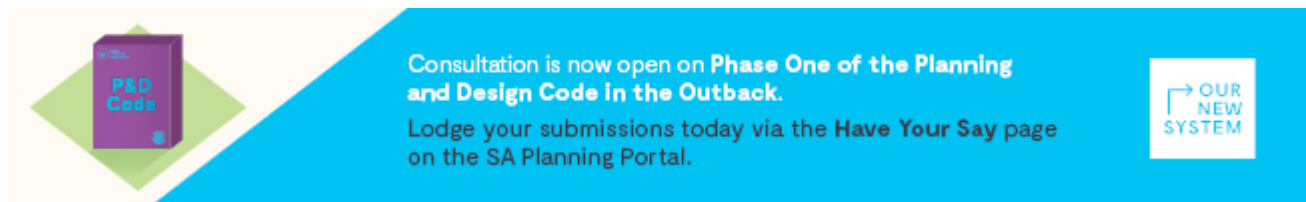


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*We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.*

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Consultation is now open on **Phase One of the Planning and Design Code in the Outback.**  
Lodge your submissions today via the **Have Your Say** page on the SA Planning Portal.



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**From:** Victory, Tom (DPTI)  
**Sent:** Thursday, 28 February 2019 1:27 PM  
**To:** Hardy, Rhiannon (DPTI) <[REDACTED]>  
**Subject:** FW: Mount Barker Council Response: Significant Tree Legislation

Hi Rhiannon  
See below submission for the draft regulations.  
Regards

**Tom Victory**  
Principal Planning Officer

Planning and Land Use Services Division  
Department of Planning, Transport and Infrastructure  
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**From:** Luke Gray [REDACTED]  
**Sent:** Thursday, 28 February 2019 12:39 PM  
**To:** Victory, Tom (DPTI) <[REDACTED]>  
**Cc:** Simon Coote <[REDACTED]>  
**Subject:** Mount Barker Council Response: Significant Tree Legislation

Hi Tom,

In addition to the more general Council response, which will come tomorrow, please find below a targeted response regarding Significant Tree legislation. This response has been drafted by Chris Lawry, Principle Urban Forest Officer for Council and current Chair of the Local Government Urban Forest Alliance.

If you have any queries regarding the below, please don’t hesitate to contact me.

Luke

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Re the **Planning development and infrastructure variation regulations 2019**. Responding by 5pm March 1st via email through [YourSay website](#)

Unless anyone has any suggestions not to or there is a better way of coordinating a response I will email the following to [DPTI.PlanningEngagement@sa.gov.au](mailto:DPTI.PlanningEngagement@sa.gov.au)

I would tender the following feedback with a really simple tweak idea on **3F – Significant Trees**.

**Draft Planning Legislation 3F –Significant Trees**

Changes in the Development Act around the protection of notable trees in our urban environment (since Regulated Tree Variation 2011) has resulted in canopy loss across metropolitan Adelaide including Adelaide Hills areas due to the legislation not providing adequate protection measures against whimsical or ill-informed tree removal, mostly on private land. Here noting this concern is around tree clearance behaviour on non-development sites excluding land development activities which intrinsically requires removal of some trees on green fields and usually all trees on brown fields.

The current SA tree regulations demonstrate a misunderstanding of which trees should be recognised to contribute and provide the most benefits to the public. This in size and species.

The governments changes to the legislation, although required to balance development with canopy conservation, has now resulted in an ineffective framework to protect trees and with this an unchecked or ill-informed removal of trees, some of which predate European settlement. These trees once gone cannot be replaced, are an intergeneration asset, make regions desirable places to live and invest and provide important means of protection from biodiversity loss.

There is a large body of evidence based research demonstrating the loss of canopy cover and how this is now occurring at an accelerating rate. Many metro councils are undertaking canopy quantification studies and finding a trend in loss rather than gain. A recent City of Burnside canopy study identified a 10% loss of Canopy cover over a 5 year period between 2010 and 2015 (<https://www.burnside.sa.gov.au/Environment-Sustainability/Trees/Tree-Canopy-Report>). From the body of research undertaken across metropolitan SA it is evident that most of the loss is occurring on private land. Should the rate of canopy loss trend continue, the Government's ability to maintain canopy cover or offset this loss on public land will be impossible. Effective legislation is therefore required to protect those trees on private land that significantly contribute to canopy cover.

Since the introduction of Significant Tree Legislation those measures introduced to help protect trees has been eroded over time. Examples include those amendments in 2011 (Development Amendment Act –Regulated Tree Variation 2011) increasing the circumference to trigger protection from 2 meters to 3, the exemption of species most commonly occurring on private land regardless of historic, amenity or environmental attributes. The exemption of all species within 10m of a property (excluding Eucalyptus and Agonis). The removal of all species within 20m of dwelling in a bushfire prescribed area and the removal of public owned trees occurring on public schools. These changes make the legislation near worthless in its ability to protect trees, including remnant indigenous trees that predate European settlement and exotic trees that have significant cultural value and those that protect against habitat loss.

The 30-year Plan for Greater Adelaide recognises the value and importance of Urban Green Cover setting the objective (Target 5) to maintain and increase canopy cover. Considering loss of canopy cover is occurring on private land, sometimes opportunistic for no good reason and recognising public land to offset this loss is limited in planning and funding, without changes to improve tree protection, Target 5 will be unachievable, particularly in established areas undergoing extensive infill.

Recognising the importance of balancing tree protection and development needs and to offer easily achievable 'tweaks' to a seemingly fait accompli, the proposed changes to the Draft Legislation are submitted with the following recommendation proposed:

Section 3F(4,a) to a tree located within 10 metres of an existing dwelling or an existing in-ground swimming pool, other than the following species (or genus) of trees: **Corymbia (any tree of the genus) Eucalyptus (any tree of the genus); remnant indigenous trees to a locality, trees registered on the National Trust, Significant Tree Register.** With this easy and important change **delete Agonis flexuosa.**

Kind regards

Chris Lawry

**Chris Lawry**

Principle Urban Forest Officer

D 

## Luke Gray

Manager Planning Policy & Strategy



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