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To: DPTI:Planning Engagement
Subject: Development Assessment Regulations and Practice Directions

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Hi,

Below is my comments regarding the draft regulations and practice directions.

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.

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

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. It has become far too easy to justify the removal of large trees and 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 Onkaparinga canopy study identified a further 1.2% loss of Canopy cover over a 2 year period between 2016 and 2018 from an existing baseline of 12% metro are tree canopy coverage. 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. International benchmarks suggest tree canopy in the urban environment needs to be at 30% to combat the effects of climate change and urban heat island. 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 fair compromise, 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*.

Thank you for the opportunity to provide feedback.

Regards

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