

The Expert Panel would like your views on how **Tree Policy** is addressed in the Planning and Design Code.

Current policy on urban trees is focused on keeping and increasing tree canopy cover.

*The 30-Year Plan for Greater Adelaide* contains a target that “*urban green cover is increased by 20% in metropolitan Adelaide by 2045*”.

It is proposed that council areas that currently have less than 30% tree canopy cover should try to increase their canopy by 20%. Council areas that currently have more than 30% tree canopy cover should keep the current level with no net loss until 2045. At present it seems unlikely that the 30 Year Plan target will be met.

Trees that are not in the Adelaide metropolitan area are generally subject to regulation via the *Native Vegetation Act 1991*.

## Code Overlays

The Planning and Design Code (the Code) includes two (2) overlays – the Urban Tree Canopy Overlay and the Regulated and Significant Tree Overlay. The Urban Tree Canopy overlay provides policy for assessment of new dwellings to ensure that residential development preserves and enhances urban tree canopy. It applies to most of greater metropolitan Adelaide.

The Urban Tree Canopy overlay requires that a certain number of trees are planted when a new dwelling is constructed. This varies from the requirement to plant one (1) small tree (for sites 450m<sup>2</sup> or less) up to a requirement to plant either one (1) large or two (2) medium trees (for sites greater than 800m<sup>2</sup>).

What is classified as a small, medium or large tree is set out in the Code based on the minimum height and minimum spread (of the canopy) required for a mature tree.

## Discussion

Considering the relationship between trees and the SA planning system, the Panel considers that the **key issues** are:

1. **decline of urban trees** across metropolitan Adelaide leading to less tree canopy cover;

2. the real and perceived view that **urban infill policies** and development are contributing to the loss of trees i.e., tree removal, loss of private open space to plant; and
3. **exacerbation of loss of trees** with expected increases in temperature due to climate change – acknowledging that change is needed to reduce heat and provide greater cooling.

The Panel is primarily considering tree policy as it applies to private property. However, trees in public space should be considered under individual council tree planting strategies and its own tree canopy targets. The Panel understands that the management and value of street trees is important for the community.

Trees, their healthy establishment, and ongoing management, along with their resilience to climate change are also important.

## State Planning Commission Open Space and Trees Project

The State Planning Commission (the Commission) is undertaking the Open Space and Trees Project.

To support its project, the Commission obtained an Arborists Report ‘[Open Space and Tree Project – Part 1A \(Arborist Review\)](#)’ and a Research Report ‘[Urban Tree Protection in Australia: Review of Regulatory Matters](#)’. Both were made available to the public on 1 September 2022 together with the release of the ‘[Adelaide Home Garden Guide for New Homes](#)’.

The Panel has considered both documents and the recommendations they make, in determining what options for reform may be available in this policy area.

## Tree Protections

Part 1 of the *Planning, Development and Infrastructure Act 2016* (PDI Act) provides the definition of **development** includes any tree damaging activity in relation to a regulated tree.

The *Planning, Development and Infrastructure (General) Regulations 2017* provide that for a tree to be deemed ‘regulated’, it must have a trunk circumference of at least two (2) metres. The Research Report recommends that the minimum trunk circumference is revised on the basis that the existing two (2) metre circumference is too generous. It also indicated that protecting taller trees and trees with larger crowns would ensure canopy is preserved to maximise

biodiversity, amenity, and public health benefits. The Research Report and Arborists Report identify opportunities to introduce additional protection mechanisms for specific species. This would promote biodiversity through the protection of rare or unusual species and protect against climate change.

The Panel is interested to hear about what the implications may be in amending or adding to the mechanisms available for tree protection in South Australia.

## Tree Canopy

Noting the need for increased tree canopy coverage in South Australia, the Panel considers there is merit in requiring master planned/greenfield development areas to also ensure that at least one (1) tree is planted for each new dwelling (master planned/greenfield areas are currently exempt from the tree planting policy).

## The Urban Tree Canopy Off-set Scheme

The Urban Tree Canopy Off-set Scheme was established under PDI Act to support the Urban Tree Canopy Overlay in the Code.

The Scheme allows payment into the Urban Tree Canopy Off-set Fund in lieu of planting and/or retaining trees where tree planting is not feasible.

Payments into the Off-set scheme are calculated as follows: Small (\$300); Medium (\$600); Large (\$1200).

The Panel considers that the cost of paying into the Scheme instead of planting a tree is not high enough and does not reflect the actual costs to local government for planting and maintaining a replacement tree. There is scope to refine the fees to reflect this.

## Distance from Development

The SA regulatory framework currently says that a tree that would be protected based on its trunk circumference may be removed if it is within ten (10) metres of an existing dwelling or existing in-ground swimming pool (with some species exemptions). The Research Report recommended reducing this distance, and the Panel seeks feedback about how this proposed change.

## Public Realm Tree Planting

The Panel believes that there is opportunity to explore the funding options available to councils for public tree planting and maintenance, to encourage the planting of more substantial trees that will make a significant impact on the future urban tree canopy.

An option could be the Planning and Development Fund, which provides the means for open space and public realm investment across South Australia.

## How You Can Provide Feedback

For more information on the Planning System Implementation Review, visit:

[www.plan.sa.gov.au/planning\\_review](http://www.plan.sa.gov.au/planning_review)

You can **email a submission** to the Panel at [DTI.PlanningReview@sa.gov.au](mailto:DTI.PlanningReview@sa.gov.au) or **respond to the survey** on the Expert Panel's [YourSAy](#).

Summary Papers are also available for the following topics being considered in this community engagement process:

- the PDI Act
- e-Planning and PlanSA
- Code – Character and Heritage
- Code – Carparking
- Code – Infill

For further information on the matters raised in this Summary Paper, please read the full version of the Planning and Design Code Discussion Paper.

## Questions To Guide Your Feedback

### Native Vegetation

1. What are the issues being experienced in the interface between the removal of regulated trees and native vegetation?
2. Are there any other issues connecting native vegetation and planning policy?

### Tree Canopy

3. 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?

4. 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?

### **Tree Protections**

5. What are the implications of reducing the minimum circumference for regulated and significant tree protections?
6. What are the implications of introducing a height protection threshold, to assist in meeting canopy targets?
7. What are the implications of introducing a crown spread protection, to assist in meeting canopy targets?
8. What are the implications of introducing species-based tree protections?

### **Distance from Development**

9. 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?
10. 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)?

### **Urban Tree Canopy Off Set Scheme**

11. What are the implications of increasing the fee for payment into the Off-set scheme?
12. 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?
13. What are the implications of increasing the off-set fees for the removal or regulated or significant trees?

### **Public Realm Tree Planting**

14. Should the criteria within the Planning and Development Fund application assessment process give greater weighting to the provision of increased tree canopy?