

An aerial photograph of Adelaide, Australia, showing a dense residential area with many trees in the foreground and middle ground. In the background, the city skyline is visible with various high-rise buildings under a clear blue sky. The text 'A CALL TO ACTION' is prominently displayed in large white letters, with 'PROTECTING ADELAIDE'S TREE CANOPY' in smaller white letters below it.

A CALL TO ACTION

PROTECTING ADELAIDE'S TREE CANOPY

2021

***What's Happening to Adelaide's Trees?* was launched in June 2020 following mounting community concern about the escalating destruction of Adelaide's trees on public and private land.**

In response, politicians, local councils, for-purpose organisations and community action groups have asked for specific actions that could turn this around.

We have collaborated with a wide range of stakeholders, including developers, conservation groups, ecologists, homeowners concerned about managing big trees, arborists and councils to develop our recommended actions.

There was general agreement that:

- **Trees are under threat in our city** – Greater Adelaide is losing a phenomenal number of trees - about 75,000 trees per annum. If this continues, there is no hope of reaching Adelaide's goal of becoming 'a green liveable city'.
- **Urban infill is necessary** – but careful design and 'smart' infill to maximise the retention of existing trees and retain the benefits offered by mature trees rather than the small shrubs or immature trees often favoured in new developments *is* possible.
- **Trees can sometimes create challenges for homeowners**, but the benefits to the householder and the wider community outweigh these, and
- **Convoluting regulations and associated processes** have perpetuated the myth that trees are too hard to maintain or retain.

One major point of agreement is that the current regulated and significant tree regulations are not working to protect our large trees or prevent unnecessary removals.

Our recommended practical solutions aim to balance the current tensions between our planning system and the community's need for a green liveable city; including:

- **Support for retaining tree canopy** on private land that accounts for 80% of metropolitan Adelaide.
- **Clearer rules** and simpler and quicker processes in councils and government for homeowners and developers.
- **Help for tree owners** who, as custodians, currently bear all the cost and risk while nearby properties share in the aesthetic and cooling benefits, and
- **Developing awareness** that when a large mature tree is removed, its benefits are gone forever.

Our aim is to ensure that Adelaide is climate change resilient and will meet the South Australian Government's 2045 green canopy targets¹, while enabling smart infill development which sustains and extends our mature tree canopy.

Adelaide needs a bolder vision to integrate our planning system with the preservation of our big trees and the tree canopy they create. Visionaries in the past have done this. Now it's our turn to meet this challenge on behalf of future generations.

It's time to value and protect our trees as a public asset for the benefit of all.



TABLE OF CONTENTS

2	ADELAIDE'S TREES: A call to action
7	LEGACY
8-9	MALLEE BOX TREES: Before and after
10-11	PRIORITY 1 Protect the urban forest, simplify the regulations
12-17	PRIORITY 2 Streamline planning processes and decision-making
18-19	PRIORITY 3 Support homeowners and engage community
22	REFERENCES
23	ACKNOWLEDGEMENTS



NATURE'S MEDICINE

Trees help people live longer, healthier and happier lives by reducing pollution, encouraging exercise, providing shade and calming emotions.

KEEP US COOL

Shade provided by urban trees can lower street temperatures by up to 5–6%

HOMES FOR WILDLIFE

Trees provide essential habitat, local food and security for animals and birds

MONEY GROWS ON TREES


Trees increase property values, attract customers, reduce energy expenses and infrastructure maintenance costs

HISTORY AND CULTURE

Trees form the backdrop to our lives and are vital for our city's character. For Kaurua people, trees are an essential part of their relationship with country.

CLEANING OUR WATER

Trees help prevent flooding, capture and store rainfall and increase water absorption in soil



“There is perhaps nothing which gives so much pleasure to people residing in towns and cities as trees planted along the streets and other thoroughfares.

The shade received from them makes the walks cool, and the bright glare which is so trying to the eyes is mellowed down to such a degree that walking in the busy streets in the noon-day heat becomes bearable and even pleasant, to all.

Moreover, the effect of having the thoroughfares of our cities lined with arboreous growths would be to purify and regulate the condition of the air, and thus make it suitable for the healthy residence of the people.

Trees are very searching and wonderful scavengers, and their leaves so act upon and assimilate deleterious gases arising from the gregarious habits of men, that many epidemic diseases consequent upon atmosphere disturbances are frequently prevented by them.”

John Ednie Brown, Conservator of Forests, 1881 ²



LEGACY

The early South Australian colonists arrived on land that has been described as a Garden of Eden and a paradise on earth.

The Adelaide Plains, stretching 80 kilometres from Gawler in the north to Sellicks Beach in the south was historically known to have had the richest source of biodiversity in South Australia, certainly in Australia and possibly the world.³

This was land nurtured by the Kaurna people for tens of thousands of years. But this paradise was slowly destroyed... before it was rebuilt again.

“By the late 1870s, virtually all our native open woodland had been cleared. In 1870, the metropolitan area of Adelaide was virtually a treeless plan. By 1930, it was the largest forest in the state.

The plantings started slowly in the 1880s under the conservator for forests and Adelaide’s first town planner. Petzer – the new Adelaide city horticulturalist – devoted the next 30 years to systematically lining every thoroughfare with a range of large and stately trees, and promoted backyard plantings through public arbor days.”⁴

Once again, we have a chance to turn around our tree loss. Action now will lay the foundation for the future. We want to leave a legacy for future generations to reap the benefits of a green, liveable city resilient to the effects of climate change.

Everyone – individuals, community groups, developers, local councils and State Government – has a role to play by retaining, planting and maintaining trees on private and public land.

GOING...



GONE.

Ten ancient remnant Mallee Box trees have already been removed at the Springwood development east of Gawler – with more at risk.



“The Mallee Box trees, east of Gawler, are hundreds to thousands of years old.”

Craig Nitschke
School of Ecosystems and Forest Sciences
University of Melbourne⁵



PRIORITY 1

PROTECT THE URBAN FOREST, SIMPLIFY THE REGULATIONS

South Australia's regulated and significant tree laws have become overly complex and are no longer fit for purpose.

Many of the changes made to the Regulations in 2011 have had unintended and negative consequences – preventing development, causing unnecessary tree removals and increasing bushfire risk.

Regulation exemptions allow for the indiscriminate removal of large trees and undermine the urban green canopy targets in the 30-Year Plan for Greater Adelaide.

The original intention of the legislation has been lost through myriad exemptions that make it impossible for the average resident to work out if they can legally remove a tree or not.

Governments must lead by example to encourage homeowners to appreciate the benefits that trees bring to all of us. In particular, government infrastructure projects leading to the removal of many large trees need to be more transparent and include broad public consultation.

Community consultation on the recently introduced Planning and Design Code highlighted substantial concern over the loss of large trees in our suburbs.

We have a once-in-a-generation opportunity to return the Regulations to reflect the original intention of the regulated tree laws.

CURRENT	PROBLEM	ACTION TO TAKE
1.1 All trees, with the exception of <i>Agonis flexuosa</i> and any <i>Eucalyptus</i> , located within 10 metres of an existing dwelling or in-ground swimming pool can be removed without approval. ⁶	The 10 metres exemption is preventing development, with councils unwilling to approve development that might occur within 10 metres of a large tree.	Remove this exemption.
1.2 Any tree within 20 metres of a dwelling in a Medium High Bushfire Risk area within a Hazards (Bushfire Protection) Overlay in the Planning and Design Code can be removed without approval. ⁷	<p>Ironically, the 20 metres exemption is increasing bushfire risk, allowing large trees to be removed and encouraging homeowners to increase understorey plantings immediately adjacent to their homes. Evidence shows that these large trees can play a role in preventing ember attacks and reduce wind speed. There are no checks and balances to ensure the tree being removed is a bushfire risk.</p> <p>Additionally, in some of our greenest suburbs, this rule is being used to allow the decimation of pre-European settlement trees for solar panels or because they make a mess.</p>	Remove this exemption.
1.3 24 species of trees are exempt from being classified as regulated or significant. ⁸	Many of these trees are the most common species found in suburban backyards and streets and make a significant contribution to the urban tree canopy and cooling our suburbs. Research is needed on climate-resilient species suited to our changing climate.	Review and modify this to better reflect the South Australian environment.
1.4 The Department of Infrastructure and Transport and Department of Education are exempt from requirements for consultation and planning approval to remove regulated trees on any land used for roads and schools. ⁹	The State Government should lead by example with best practice design and consultation. This exemption is a substantial double standard when compared with the processes that private landowners must go through and sends a message that trees in these locations are inherently dangerous. It undermines Councils and their responsibility to manage canopy cover. It has led to unnecessary tree removals as there is no requirement to consider designing around trees and the community has no opportunity to propose smarter options.	Remove this exemption.
1.5 The Native Vegetation Regulations (NVR) allow for the removal of any large tree within 10 metres of a building, including a home, shed and carport. ¹⁰	The Native Vegetation Overlay in the Planning and Design Code covers large areas of metropolitan Adelaide. The interaction between the NVR and existing regulations covering regulated and significant trees not only adds confusion for homeowners, it gives less protection for native vegetation. Similar to the 20 metres rule (1.2 above), the NVR exemption allows for indiscriminate removal of large native trees in bushfire-prone areas.	Change exemption to require permission to remove large trees within the asset protection zone covered by the NVR in metropolitan Adelaide.
1.6 The Native Vegetation Regulations (NVR) allow for the removal of large trees within five metres of a fence line. ¹¹	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 requiring approval. There are no checks and balances to guarantee that clearance is being done to maintain a fuel break.	Change exemption to apply only outside of metropolitan Adelaide.

STREAMLINE PLANNING PROCESSES AND DECISION-MAKING

South Australia's regulated and significant tree laws were written at a time when the majority of homes had large backyards.

The necessary push for urban infill has resulted not only in an increasing number of large trees being removed, but also in homeowners becoming concerned about living closer to large trees than ever before, consequently putting significant pressure on our urban tree canopy.

Disappointingly, many homeowners see the application process to remove a large tree as being covered in unnecessary red tape. On the other hand, the unexplained removal of large trees, and lack of consultation, throughout our suburbs creates considerable angst between neighbours, impacting social cohesion.

The Regulations and standard processes must be updated to reflect current planning policy and community expectations.

PROBLEM

SOLUTION

ACTION TO TAKE

- 2.1** Trees are assessed on individual merits, yet tree canopy coverage is the metric by which governments measure success.

There is currently a discrepancy between the macro and micro scales of measurable outcomes.

Use the LIDAR tree canopy data in conjunction with the canopy target in the 30-Year Plan for Greater Adelaide to make better decisions about retaining trees, especially in areas vulnerable to the heat island effect, with the aim of a 'no net loss in tree canopy'.

Add a requirement to PO 1.1 and 1.2 of the Regulated and Significant Tree Overlay in the Planning and Design Code that regulated/significant trees are retained where they contribute to the canopy target in the 30-Year Plan for Greater Adelaide.

- 2.2** Inflexible planning policies miss the opportunity to encourage retention of large trees. For example, industry experts tell of large trees being removed to put in a small, compulsory, rainwater tank.

Ironically, trees are the best rainwater tanks available to us as they capture up to 60% of rainfall.¹²

Offer proportional incentives for retaining trees in exchange for not having to meet other planning requirements.

Add flexibility into the Planning and Design Code to encourage the retention of large trees during development.

- 2.3** The introduction of an offset scheme as part of the Urban Tree Canopy Overlay in the Planning and Design Code incentivises developers to take the easy option of paying, not planting.

This will lead to reduced tree canopy and increased urban heat islands. Tree planting obligations are vastly inadequate in the Planning and Design Code, and significantly less than mandated in other states such as NSW.¹³

The Urban Tree Canopy Overlay must be amended so that paying the offset amount is not the cheapest and easiest alternative for developers.

Increase the offset scheme fees to match the costs that are consequentially passed on to Councils to plant, establish and maintain replacement trees.

Increase the number and size of trees required by the Planning and Design Code to be planted in new developments.

PRIORITY 2, CONT.

PROBLEM

SOLUTION

ACTION TO TAKE

2.4 Some Councils do not have their own in-house arborists, or their arborists are too busy to undertake individual tree assessments, which creates delays during the assessment process and poor outcomes for tree retention.

Quicker assessments, better outcomes for tree retention, and a more informed community would be achieved with qualified arborist assessment within Councils that quickly and effectively responds to requests.

Financially support Councils to employ qualified arborists.

Recommend a Certificate IV in Arboriculture as the minimum qualification for arborists.

Diseased regulated/significant trees should be inspected by a Council arborist to determine all practicable remedial measures have been applied.

Standardise the assessment process for tree removals, requiring arborists to use a reputable assessment tool, such as QTRA and TRAQ, for greater consistency and easier review by Councils.

2.5 Applications to remove a regulated or significant tree take too long, leading to the view that the process is covered in red tape. For homeowners, taking 2-3 months to hear back from Council about a tree they believe is dangerous is not good enough.

Current assessment times do not align with the Planning and Design Code.

Councils have a list of 4-5 external qualified arborists available to be contracted by homeowners to assess applications for regulated tree removals.

Based on their reports, approval can be granted (or otherwise) without further assessment by Council.

Allow homeowners to contract a Council-approved qualified arborist to prepare and lodge requests to remove regulated trees.

Do not allow the same company or arborist who makes an assessment for a regulated or significant tree removal to undertake the work in order to reduce conflicts of interest.

Retain the existing mandate that only Council arborists can assess applications to remove significant trees.

2.6 Due to the number of exemptions in Regulations, it is not uncommon to see regulated/significant trees on recently sold properties removed without explanation.

This creates substantial angst, destroying relationships between neighbours, impacting social cohesion and isolating people.

Allowing people to know the reason for a tree's removal will reduce community angst over the loss of big trees in our suburbs.

Change the planning regulations to require signage on a property where a tree will be removed (where safety considerations do not preclude this), both two weeks before and after to explain the reasons for its removal.

Require all applications to remove trees and the arborist report supporting or opposing removal to be made publicly available.

PROBLEM

SOLUTION

ACTION TO TAKE

2.7 Currently, applications to remove regulated/significant trees can be submitted before a development application, which has resulted in trees being unnecessarily removed or no consideration of their retention occurring in the design phase.

Assess applications for regulated/significant tree removal on development sites at the same time as the development application.

Support the *Planning, Development and Infrastructure (Regulated Trees) Amendment Bill 2020*, introduced to Parliament in September 2020, and supported by the Liberal party when last introduced in 2017.

2.8 Currently, homeowners and developers are required to pay a fee as low as \$150 or plant 2/3 replacement trees for removal of a regulated/significant tree, respectively.¹⁴

There are two problems with this. The low fees neither act as a deterrent for removal, nor accurately value the benefits provided by the tree. The required planting is not monitored; those who do not like trees simply ignore this directive or let the trees die.

Many Councils have reported that they do not have the public space to plant replacement trees. The net result is no tree.

Current fees do not accurately reflect the cost to Councils for planting, establishing and maintaining replacement trees elsewhere and the current tree replacement requirement is ineffective.

Remove the option in the planning Regulations to plant replacement trees.

Increase the current fees in the Regulations to more realistically match the value of the tree removed. Options for determining the fee are:

1. using the Planning Commission's own research, that is, the fee for removal of a significant tree is \$10,305 and the fee for removal of a regulated tree is \$6,870¹⁵, or
2. for developers, the fee is 1% of the total project cost for each tree removed. For homeowners seeking to remove a healthy tree not associated with development the fee is calculated using the Burnley Tree Method, as adopted by the City of Melbourne and other interstate councils, and
3. fee to be waived if a tree is assessed by a Council arborist to be diseased, beyond recovery or dangerous.

2.9 Currently, regulated/significant trees can be pruned up to 30% without requiring Council approval.¹⁶

This is resulting in death by a thousand cuts and Councils footing the bills for expensive legal disputes.

Remove 30% pruning approval exemption. For some trees, as little as 10% is too much, while others can cope with up to 50%.

More important than an arbitrary percentage is that the pruning does not adversely impact the health or the appearance of tree.

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

Require lodgement with Councils of a diagram of proposed pruning and the qualifications of the person undertaking the work.

PRIORITY 2, CONT.



PRIORITY 3



SUPPORT HOMEOWNERS AND ENGAGE COMMUNITY

This will come as a surprise to many of us, but Adelaide has some of the lowest levels of tree canopy cover of any major city in Australia.

Despite the critical role they play in cooling our cities, large trees are often seen as a burden.

While there is much evidence to show that everyone benefits both physically and mentally from having large trees in our suburbs, the private landowner is left with all the costs associated with maintaining the tree.

For our canopy cover to grow, public perceptions around large trees need to change, and homeowners must be supported in retaining them.

PROBLEM

SOLUTION

ACTION TO TAKE

3.1 While everyone enjoys the benefits of regulated/significant trees to their local area, the homeowner bears responsibility for all the costs of maintenance.

Financial assistance could be provided to homeowners with large trees to share maintenance costs across the community and shift the perception of trees being a liability and a burden to being a community asset.

This approach has had great effect in Burnside.

Make an additional allowable use of the Urban Tree Fund to support homeowners to maintain their large trees in a similar way to the current funding provided by the City of Burnside.

Consider other financial mechanisms to share the cost burden between homeowners and the community, including land tax, Council rates and stamp duty exemptions/reductions and the potential for protective encumbrances to be in place.

3.2 While Adelaide, Burnside, Prospect and Unley Councils have significant tree registers, the exemptions introduced into the 2011 Regulations have rendered these lists largely superfluous. Significant tree registers do not include culturally significant trees which sometimes fall outside of the current definition based on size.

Councils need financial assistance to continue to maintain their significant tree registers because they play an important role in identifying important trees in the urban landscape.

A coordinated capture of data of significant trees across Councils is needed. Included in this should be culturally significant trees, regardless of their size, to ensure they are afforded protection.

Support Councils to develop and maintain registers of significant trees through financial assistance from the State Government.

Amend s68(1) of the *Planning, Development and Infrastructure Act 2016* to allow culturally significant trees to be declared significant trees.

3.3 The penalties for the illegal removal or destruction of trees are severe, yet ineffective, as Councils are consistently unable to prosecute offenders due to the high burden of proof required.

This sees significant violations of the protections without any punishment.

The burden of proof is too high and unethical operators know and rely on this. Councils have a responsibility to their ratepayers to not take on unwinnable lawsuits. This too is relied on by the unethical.

Introduce the option of infringement notices in Part 18 of *Planning, Development and Infrastructure Act 2016*.

3.4 Lack of awareness of the benefits of mature trees and the importance of maintaining adequate tree canopy cover.

Community education by government, Green Adelaide, councils and community groups to shift community awareness.

Fund community campaigns to promote the benefits of retaining mature trees.





"A society grows great when old
people plant trees in whose shade
they know they will never sit."

Greek proverb

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6 Planning, Development and Infrastructure (General) Regulations 2017 (SA), Regulation 3F(4)(a)

7 *ibid*, Schedule 4, Regulation 18(1)(b)

8 *ibid*, Regulation 3F(4)(b)

9 *ibid*, Schedule 13, 2(1)(w) and 5(b)(viii)

10 Native Vegetation Regulations 2017 (SA), Schedule 1, Part 1, Division 1, 1(1)

11 *ibid*, Schedule 1, Part 2, Division 1, 17(2)

12 Conservation Council of South Australia, What's Happening to Adelaide's Trees, June 2020

13 Government Architect, Greener Places Design Guide: Open Space for Recreation Urban Tree Canopy Bushland and Waterways, Draft for Discussion 2020, New South Wales Government

14 Planning, Development and Infrastructure Act 2016 (SA), s127(6)(7) and Planning, Development and Infrastructure (General) Regulations 2017 (SA), Regulation 59 and Planning, Development and Infrastructure (Fee, Charges and Contributions) Regulations 2019 (SA), Schedule 1, Part 5, 27

15 According to research commissioned by the State Planning Commission, the lost benefits to the community of removal of a tree is estimated at \$3,435 for an average unregulated tree. Given the current fee is calculated as 3 x \$150 for replacement of a significant tree and 2 x \$150 for a regulated tree, more accurately, a fee for removal of a significant tree should be 3 x \$3,435 (i.e. \$10,305) and for removal of a regulated tree should be 2 x \$3,435 (i.e. \$6,870); based on BDO Econsearch, Costs and benefits of Urban Tree Canopy Options for Minor Infill Development in the Planning and Design Code, report prepared for the State Planning Commission

16 Planning, Development and Infrastructure (General) Regulations 2017 (SA), Regulation 3F(6)

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HOW CAN YOU HELP?

To turn the tide, we need everyone – homeowners, developers, arborists and decision-makers – to stand up for our precious trees.

Use this report to talk to your local Member of Parliament and local government councillors and explain how much trees mean to you (if you would like a hard copy of this report, please get in touch via our website).

Talk to your neighbours and make sure your street supports its trees.

Write to your local paper, share your thoughts on social media or call talkback radio.

Get involved with the Conservation SA's *Protect our Trees* campaign.

VISIT CONSERVATIONS.AU/TREES FOR MORE INFORMATION