



Australian Institute of
Landscape Architects

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Mr Michael Lennon
Chair, State Planning Commission
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AILA's response to the draft Planning and Design Code, Phase 3

Dear Michael,

The Australian Institute of Landscape Architects (AILA) South Australian Chapter once again thanks the State Planning Commission (the Commission) for the opportunity to comment on the revisions to Phase 3 of the draft Planning and Design Code (the Code) for South Australia.

AILA is the growing national advocacy body representing over 3,600 active and engaged landscape architects, promoting the importance of the profession today and for the future.

AILA has previously provided detailed feedback on various aspects of the Code, including climate change mitigation, the lack of concept plans in the draft, heritage protection, the conflicts of the *Significant and Regulated Tree Act* and the Code, and the important contribution of private greening towards the State's target of 20% tree canopy cover.

The Code has responded to some of these and we welcome the amendments.

Our submission on the Phase 3 amendments is outlined below.

Heritage Protection

AILA welcomes the increased heritage protection through historic area statements and/or character area statements. These are important to reflect an area's sense of place and heritage.

Clarification is sought on whether gardens are considered 'contributory items' and whether they could be afforded similar levels of protection as buildings.

Recommendation 1: Clarification and resolution on whether gardens are considered 'contributory items' as part of heritage protection in the Code.

Concept Plans

AILA welcomes the reintroduction of concept plans as these provide spatial planning providing context-based information on land use, building setbacks, interfaces, open space and street connections through our neighbourhoods and suburbs.

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We request clarification on the priority or hierarchy the concept plans have over strategic policies (for example, the Urban Corridor Zone overlays) and whether the concept plans for important high streets (for example Prospect Road, Prospect; Unley Road, Unley; The Parade, Norwood; Main Road, Blackwood) have primacy over the policies.

Recommendation 2: Clarification and resolution on the priority and/or hierarchy of concept plans in the Code.

Sub Zone Policies

AILA welcomes the allowance of sub zones to refine and protect existing places. These assist in preserving as well as creating distinctive character areas, reinforcing a sense of place and ensuring local identities can be enhanced and sustained.

We request clarification on the priority or hierarchy the sub zones have over strategic policies.

Recommendation 3: Clarification and resolution on the priority and/or hierarchy of Sub Zones in the Code.

Climate Change

AILA welcomes the references to climate change related elements such as revisions to tree planting on private properties, rainwater tanks and improved energy efficiency as well as recognising the increased adverse impacts such as bushfire frequency and intensity.

We would request these references are made stronger, with a clearer link and broader application to the outcomes and mitigations the Code can facilitate.

Recommendation 4: Consideration of clearer, stronger links on climate change mitigation and adaptation in the Code.

Trees

AILA has serious concerns regarding the treatment and requirement for trees on private property in the Code.

While we welcome the introduction of the new Urban Tree Canopy Overlay which will assist with protection of significant, regulated and other mature trees, the Commission's proposal to include an offset scheme for greening on private lots raises a number of genuine issues for our members and the broader community.

Despite assurances that this provision will not be actively advertised, as outlined by the Commission at a recent Forum held at ODASA, this measure will actively discourage quality private green spaces and deep planting zones which are required for healthy trees and gardens.

This is a regressive step and undermines the Code's ability to address climate change and the intensification of the inner suburbs, and places increased pressure on existing public green spaces and suburban streets.

We are concerned that the Commission has not outlined how this proposed new requirement will be codified – for example, how this will be determined, how will it meet 'deemed to satisfy' requirements, and how the Code's levers, site-based data and other measures will determine when a developer is unable to install a tree or meet the requirements.

Recommendation 5: The tree offset scheme is removed from the Code.

Analysis of ‘Costs and Benefits of Urban Tree Canopy Options for Minor Infill Development in the Planning and Design Code’ (Report)

We have analysed this report and many of our members have contacted us with concerns. Firstly, the Report does not include a monetised value that trees have in improving amenity, health and biodiversity in the \$26.4m benefit cost ratio, as the report claimed these things could not be quantified and put in ‘dollar’ terms, viz:

*‘The ‘One Tree Policy’ proposed in the new Planning and Design Code is expected to deliver economic, amenity and liveability gains to the Greater Adelaide community valued at **\$26.4 million (Benefit Cost Ratio 1.7)**, and is therefore a worthwhile initiative for government to consider.*

Monetary costs and benefits considered include those that are direct (e.g. paying an offset) and those that are indirect (e.g. electricity bill savings). Non-monetary costs and benefits were also considered (e.g. avoided healthcare costs from reduced air pollution).

Some well- researched benefits that could not be defensibly quantified have therefore been excluded. These include amenity values of onsite trees, biodiversity values, urban heat mitigation, and some physical and mental health benefits.’¹

This approach does not represent the true value of trees, and therefore the costs and benefits outlined and used as the rationale for subsequent measures are disputed.

This is a flaw in the research and misrepresents the true value of trees. We would recommend this is reconsidered and the value of trees to society is more accurately represented in the Code.

Secondly, the Report acknowledges a point we have known for some time, the fact that fees for removing significant and regulated trees do not represent their true value and benefit.

There is currently a 3 x \$150 fee for removing a Significant tree and 2 x \$150 fee for removing a Regulated tree on private land. It is clear this nominal fee falls short of covering the costs of planting and maintaining a replacement tree (\$603 on private land, \$1,165 on public land) – not to mention the lost benefits to the community (estimated at \$3,435 for an average unregulated tree).

These are many other parts of Australia that use informed research on the value of trees – for example the City of Melbourne’s *Tree Retention and Removal Policy 2012* (www.melbourne.vic.gov.au/community/greening-the-city/tree-protection-management/Pages/tree-protection-policy.aspx). This is a working example that covers the ‘...well-researched benefits that could not be defensibly quantified’ as outlined in the Commission’s Report.

Section 8.3 of the Policy (‘Bonds and Payments’) outlines four cost components to be calculated where a tree is to be removed, viz:

A - Removal Costs: amounting to the fees incurred by Council for physically removing the tree.

B – Amenity Value: calculated in accordance with Council’s Amenity Formula.

C – Ecological Services Value: calculated in accordance with the i-Tree valuation tool.

D – Reinstatement Greening Costs: calculated in accordance with the greening required to replace the loss to the landscape incurred by the removal. The level of reinstatement greening required will be determined by Council and will take into consideration the location, the significance, the biodiversity provision and the amenity of the tree. Reinstatement greening costs will also include a 24-month maintenance fee and any treatment or Water Sensitive Urban Design (WSUD) measure deemed to be required to establish replacement growth.

We recommend further review and research into mechanisms similar to this example are considered for appropriately pricing on the removal of trees to reflect the true cost imposed on the community (for example lost carbon storage, lost urban heat mitigation, reduced house values, reduced health outcomes, etc.).

On this basis, we contest that the Report prepared for the basis of the tree offset scheme – its assumptions, analysis and recommendations – is partly flawed and should be reconsidered.

Recommendation 6: More detailed and relevant research is undertaken to improve the basis for any future costs to remove trees from private and public land to include all benefits that were outlined in the Commission’s own Report as ‘well-researched benefits that could not be defensibly quantified’.

Impacts of Tree Offset Scheme

Apart from our concerns as outlined above, the potential outcomes of not planting trees on private property will place even more pressure on public land, streets and existing green spaces.

Private spaces need to contribute to people’s health and wellbeing, and the Code in our view does not reinforce this as strongly as it should.

The risks are that pressure increases on local governments to plant more trees and greening in spaces that might not have the capacity or space, removing the responsibilities from residents and developers.

It is important to note that local governments carry the burden of meeting tree canopy cover targets, and most metropolitan councils are doing everything they can to meet and exceed the targets.

In 2020, with record heatwaves and the increasing suburban effects of urban heat island impacts (reflected heat from more pavements, roofs, driveways, footpaths and roads) - let alone the reduction in green canopy cover, habitat and urban biodiversity – we implore the Commission to enforce in the Code to incentivise developers to do the right thing, and include all the benefits small, private and greener courtyards, backyards and front gardens provide.

Recommendation 7: The Code reinforces the importance of trees contributing to health and wellbeing, climate change mitigation and adaptation, property values, habitat and biodiversity and increasing canopy cover to meet the state’s target of 20% cover.

Creating a Greener Adelaide

AILA recognises that the planning system is not the panacea for solving climate change, and not the only path in enhancing and expanding Adelaide's urban tree canopy. It has a role to create stronger awareness and codification of many aspects, many which we support.

However, there is need for the Commission to consider complementary actions and incentives outside the Code to achieve public and private greening of Adelaide.

Private greening is an important aspect of creating a climate resilient future and it is on this basis we would recommend further work between all levels of government, to provide a coordinated approach to mandating private greening (including large trees), supporting local government on existing trees, tree and green space protection, and increased provisions for green infrastructure across South Australia.

Conclusion

We wish to underline our opposition to the proposed tree offset scheme.

The Commission has not outlined how this will be codified, let alone managed; it is regressive and makes tree planting of any size optional, and the suggested costs to opt out do not reflect the immense value trees provide.

The onus should be on the Code to incentivise tree planting for the all the benefits we have previously outlined.

AILA requests the Commission to reconsider the proposed tree offset scheme and to use the Code to encourage greener developments.

The risk is we will be back to the old scheme – the current planning system – with no incentives to provide small, medium and large trees on private properties, to foster a culture of change within the development industry, and to reshape the way we inhabit our housing to afford indoor and outdoor spaces.

We thank you once again for the opportunity to provide constructive feedback and for your engagement during the process, and we have outlined seven clear recommendations for consideration. We also request how these will be considered in the Code.

If there are any aspects of our feedback, recommendations and commentary that require clarification or further discussion please do not hesitate to contact me.

Yours sincerely,



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