

Planning, Development and Infrastructure (General) (Development Assessment) Variation Regulations 2019

Recently Planning Commissioner Michael Lennon told Councillors that 30% of Adelaide's vegetation has been lost over the last 10 years. Will the legacy of our Planning reforms continue this trend and lead to another 30% to be lost over the next 10 years?"

Satellite records, street view and private photos capture evidence of poor planning and development practices, recording the systematic destruction of Adelaide's old growth trees, established stands of trees and back yard gardens for all time. We have heard of residents who are unable to afford living in their newly purchased Tuscan homes due to the high cost of running air conditioners and lack of cooling garden vegetation. Credible scientific evidence confirms that it's no coincidence we have had an unprecedented rise in average surface temperatures. This is directly linked to poorer community well being, and the increasing demand and cost of health service in South Australia. (see references 1-7)

It is difficult to connect the new development reforms with the outcome of an improved tree canopy. Some aspects of the Planning, Development and Infrastructure Variation Regulations (DPI) 2019 appear flawed.

For example Part 7—Assessment—processes and assessment facilitation section 40 reads—
“Regulated and significant trees For the purposes of subsections (7) and (8) of section 39 of the Act, the qualifications of a person providing an expert or technical report within the contemplation of either subsection is a Diploma in Arboriculture, or a comparable or higher qualification.”

Where is section 39 pt (7) and (8)? It does not appear in the 2016 or 1993 Development Acts. Which Act is being referenced here? If this reference to section 39 is a mistake, it suggests the DPI has been hastily put together and makes us question what other mistakes and loopholes are in the new “One size fits all” regulations

People for Trees would like the new public notification method to extend to individual Significant and Regulated trees and stands of smaller trees. With the same Practice Directions as any other proposed development i.e the applicant is responsible for placing a notice on the land; minimum A2 size and waterproofed. Located near public road frontage, as confirmed via stamped photos and statements. The notice should be available for public comment for at least a month. Failure to do so will incur a heavy penalty and expiation, as will interference with the notice. The tree removal application should be posted on SA Planning Portal.

A clause should be included in the Regulations whereby Significant trees and Regulated trees should be preserved, and tree-damaging activity should not be undertaken, unless it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring. The alternative options should also be disclosed and accessible to public inquiry.

As current Significant tree Regulations don't apply to rural areas, many ancient healthy trees in SA, potentially pre-dating Napoleon are currently unprotected. Trees over 500 years old existing since Leonardo Da Vinci was alive, can be destroyed without consideration. Several varieties of gum trees can live well beyond these time frames and an unknown amount currently exist in SA, all are vulnerable to unchecked destruction. People for Trees ask that the new variations in regulations recognise rural trees that comply with the definition of “Significant and regulated trees” in the metropolitan area, affording them protection and due process when development is considered

Where section 65 applies—Regulated and Significant trees (1) For the purposes of section 127(4) of the Act, the prescribed number of trees is— (a) if the development authorisation relates to a Regulated tree—2 trees to replace the regulated tree; or (b) if the development authorisation relates to a Significant tree—3 trees to replace the significant tree .It must be recognised that new replacement trees will take generations to replace the ones lost and in many cases new plantings have been put too close together, which will necessitate removal of these replacement trees before they can mature. There should be a directive where new trees are spaced out to allow for their potential adult size. As our climate continues to get hotter and dryer, many of these new trees may also die from lack of care and watering.

Section 127(6) of the Act, the amount payable will be \$x for each replacement tree that is not planted. We ask that the dollar value of these PDI fees be substantial

Since 2017 Public Schools are exempt from approval to remove a Regulated tree under Schedule 14. People for Trees ask that Regulated trees at public schools be given the same due process as any other Regulated trees in the Metropolitan area. It also appears that Significant trees have been removed since 2017 without approval at schools. Schedule 14 only applies to Regulated trees, so any un-approved removal of Significant trees from schools should incur heavy penalties and expiation. Schedule 14 currently exempts roadside Regulated trees from approval, not roadside Significant trees. We argue that roadside Regulated trees also be protected and given due process.

It is troubling that the new State Government has essentially adopted Labor's planning agenda, in spite of heavy criticisms for that government's development policies and practices. In reality at the last South Australian election voters had no alternative options to planning from the major parties. It's also troubling that Mr Knoll has acknowledged his lack of prior planning experience and yet feels he can drive massive changes in SA's planning process. We would also point to his lack of experience in seeing a sustainable development priority for the future of South Australian cities.

There seems to be little in the new Regulations to encourage developers to incorporate existing vegetation as part of their plans. It appears the era of clear felling whole blocks for convenience and profit will continue.

It's fair to say consumer confidence is low and community consultation often appears to be more about selling a pre-determined concept to the community, than incorporating any public feedback. It doesn't seem that there is any real opportunity to effectively encourage more enlightened and less destructive designs.

Legislation that fails to recognise the real value of our historic long standing trees, to both our community and environmental integrity, will deprive the present younger generation. We need every effort to be made to keep trees and plant more, so that the future generations don't think it's normal to have no or few trees, and to learn about the will and determination that it takes to save them and our living environment.

Yours sincerely

People for Trees

EFERENCES

1. [PDF] aphapublications.org; Toward improved public health outcomes from urban nature. DF Shanahan, BB Lin, R Bush... - ... of public health, 2015

2. [PDF] uniandes.edu.co; Climate change and health in cities: impacts of heat and air pollution and potential co-benefits from mitigation and adaptation. SL Harlan, DM Ruddell - Current Opinion in Environmental Sustainability, 2011

3. [PDF] academia.edu; Intra-urban societal vulnerability to extreme heat: the role of heat exposure and the built environment, socioeconomics, and neighborhood stability, CK Uejio, OV Wilhelmi, JS Golden, DM Mills, SP Gulino... - Health & Place, 2011
4. [PDF] ingentaconnect.com; Land-use and land-cover change, urban heat island phenomenon, and health implications, CP Lo, DA Quattrochi - Photogrammetric Engineering & Remote ..., 2003
5. (PDF) Amenity valuation of trees and woodlands - ResearchGate https://www.researchgate.net/publication/233346343_Amenity_valuation_of_trees_and_woodlands
6. Valuing Trees - National Tree Day - Planet Ark, <https://treeday.planetark.org/documents/doc-1170-valuingtrees-report---full-final.pdf>
7. Property value returns on investment in street trees - University of ... <https://www.uq.edu.au/economics/abstract/563.pdf>