

RE: Planning, Development and Infrastructure (Commencement of Code) Amendment Bill 2019

Submission on Phase 2 of the Code from the North Eastern Hills Environmental Conservation Assn. (NEHECA)

General comments due 28.11.19

North Eastern Hills Environmental Conservation Assn Inc (NEHECA) is situated in the Mount Loft Ranges and a member group of the Conservation Council SA. With 25 years of experience our principle objective is the protection of the natural environment - this has resulted in our being involved in appeals to the Environment Court on many occasions.

Over the 25 years NEHECA has observed a general weakening of Planning and Native Vegetation Legislation. Unfortunately, aspects in this Amendment Bill are likely to provide an increased threat to the already weak protection of trees, native vegetation, parks, reserves and historic buildings and considerable alienation of individuals and community organisations. We have been somewhat insulted by the glossy 'selling' of proposed changes as shown by the Department on YouTube which is obviously a commercial for the ignorant!

NEHECA seeks the establishment of a planning and development system that engages all parties in an open, transparent, accountable and sustainable process from the initial design concept through to its implementation. Not one in which a Minister ends up with the power to change sections in the system to please developers and other financially powerful applicants seeking to weaken environmental protection and bypass inconvenient bylaws, regulations and fast track changes despite community opposition.

NEHECA supports the submissions of the Conservation SA (CCSA) and fellow members of that organisation. We also join with Community Alliance SA in calling for reform based on a genuine partnership.

NEHECA urges the Planning Commission to address the following extremely important points (please note: NEHECA is a member group of the Conservation Council and we have used as a basis some of the shared concerns of our 60 + member groups):

1. It is essential that the impact of Climate Change is included across the whole State. The recent impact and increase of fire, flood, drought and future very high-rise in sea levels should always be considered.
2. The relevant mapping and overlays in the Conservation Zone are not easily accessed and we found the on line version of the draft Code confusing and difficult to understand.
3. Significant omissions and mistakes were noted in the overlay maps and zone.
4. The Significant and Regulated tree overlay for the whole state needs to be accurate and incorporated into Biodiversity and Climate Change policies. Significant non-indigenous trees should also be included. Droughts and the increasing impact of Climate Change makes it extremely important that trees and native vegetation are much better protected eg. Development Plans be required to avoid approving clearance unless absolutely necessary. There are numerous examples of development approval being given approval before vegetation protection has been assured - this is no longer appropriate.

5. NEHECA supports that a revised, more clear and accurate version of the Code be peer reviewed and accessible to the public for comment before being 'activated'. Currently it appears the whole process is being rushed through - this is likely to result in on-going problems.
6. The Conservation Zone should not have merit assessed for alternative energy facilities – this use, apart from where physically contemplated in a park management plan, should be restricted. Again there seems to be a need for a further review.
7. Significant and Regulated tree provisions should be extended across the whole State and be aligned to ensure biodiversity. It is important that even dead trees are retained for their hollows.
8. Planning for all zones should include considerations of Biodiversity.
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10. Native Vegetation: Lodgments of development applications need to be made after applications have been made to and response have been received from the Native Vegetation Council (NVC)
11. **Native Vegetation Council should give advice with a view to retention, not removal of native vegetation before designing.**
 - a. **Offsets for NV removal; note re-vegetation does not substitute for mature tree replacement eg. Mallee trees for example take 100s of years to grow – how should these be valued re hydrological aspects?**
 - b. **Eg. Greybox Gum trees are an endangered species. Endangered species – should be included as trees worthy of retention.**
12. Protection of trees - NEHECA supports more accurate valuations of mature tree benefits and inclusion of the many ways that trees are essential for a great many reasons.
13. NEHECA urges that the draft Code refer to standards and valuations.

Jasemin Rose

North Eastern Hills Environmental Conservation Assn Inc.

