

DPTI.PlanningEngagement@sa.gov.au

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Re: Draft Assessment Regulations and Practice Directions

The National Trust of South Australia (NTSA) is the State's leading non-government heritage conservation organisation, with more than 6 000 members and volunteers across the State. For 60 years the Trust has played a leading role in preserving South Australia's heritage. It manages 130 built and natural heritage places across the State and has, in the past three years, raised more than \$2.5m for heritage conservation projects in South Australia through the South Australian Heritage Foundation. The Trust plays a valuable role in property management, community engagement, fundraising and skills training. The Trust makes the following comments/recommendations on the draft regulations. Thank you for the opportunity to comment on the draft Assessment Regulations (the draft Regulations).

Exempt Development

There are a number of new activities which do not require development approval and these include demolition of single storey buildings. One of the relevant proposed regulations provides for exceptions as follows:

10—Demolition of single storey buildings

The demolition of the whole of a single storey building, other than in respect of—

- (a) a local heritage place; or
- (b) a building in a zone, subzone or overlay identified under the Planning and Design Code for the purposes of this paragraph; or
- (c) a building that has a party wall.

This draft regulation increases the risk of unlawful demolition when there is no processing of an application undertaken by a council as the onus rests with the property owner to accurately and honestly determine whether approval is required prior to demolishing the building.

In addition, this draft regulation specifically fails to include important Contributory Items. There are approximately 12 000 Contributory Items listed in development plans across the State. These historic buildings form the “building blocks” of historic conservation zones.

The NTSA strongly recommends that sub regulation 10 (a) be amended to specifically provide “ a local heritage place or Contributory Item; or”.

As with state and local heritage any proposal to develop a Contributory Item should be subject to planning assessment.

Public Notification

The NTSA strongly supports the ready public availability of information on the vast majority of applications and efforts to improve public notification, for example, using a sign and increasing the public consultation period for performance assessed development applications from ten (10) business days to fifteen (15) business days. However there are some concerns. The sign should clearly spell out what can be commented on, for example development affecting a heritage property. The new planning terminology such as deemed to satisfy and performance assessment means little to community members. In addition, the commencement and conclusion dates for the public notification period is confusing and should be more clearly defined.

Significant and Regulated Trees

The NTSA sees the current process as an opportunity to review the efficacy of the current regulations given the well documented loss of urban tree canopy in recent times. For example the NTSA recommends a new approach to defining significant trees which is rigorous, consistent, sensitive to historical and cultural values and based on the premise that places are better with trees than without them.

The philosophy of protecting trees conforms to the idea that valuable private and public assets - like buildings, structures, bridges, monuments, parks and gardens - should be protected from inadvertent or inappropriately imposed loss. The earlier these cultural icons occur in the State’s chronology, the more important they are at telling its foundational stories; of explaining its beginnings and the more irreplaceable they are. Their loss would be an irresponsible destruction of our history. It would also diminish the present, because places without mature trees are *less* desirable, *less* healthy, and *less* valuable than places where they have been retained and incorporated into new works.

Fundamentally, trees should be protected because they have:

- one or more practical purposes (shade and shelter);
- important aesthetic purposes (*an avenue or grand old tree*);
- spiritual and/or emotional purposes (*a sense of belonging and 'home'*);
- cultural or historic purposes or events (*Arbor Day or WW1 memorial*);
- natural inherent qualities - by being what they are (*exemplars of their species*).
- characteristics and cultural relevance which enable South Australia's historical story to live on through its older trees;
- benefits including improved ambient comfort, better property values and a sense of communal belonging, which only the continued presence of trees can provide.

Tree value is either inherent (within the tree) or because of its context (place or historical relevance). Removing such trees removes their relevance, devaluing their purpose. Trees have a value and a purpose. They should only be removed when their value and purpose no longer exist or apply, not because we've altered our focus of appreciation to facilitate their removal. Tree value for everyday trees is complex because no orthodox value system exists, and their place in city and suburbs is contested with a bias towards their easy removal. The reasons for their retention and contribution to the present are under-utilised.

The NTSA maintains a register of significant trees in South Australia. The NTSA register contains over 7500 trees which the NTSA deems important to protect. Approximately 25000 trees are listed nationally. The NTSA assessment system has the goal of recognising trees whose retention-worthiness is greater than others.

Significant living trees may be in the form of individual specimens, avenues or stands of trees, or native trees, a landscape design, memorial arrangement or celebratory alignment as well as immature specimens, mature, post-mature or notably old. They may occur in public parks and reserves, streets, car parks, private and public gardens, major cities, rural towns or isolated communities, agricultural or rangeland areas and areas beyond established local government boundaries (e.g. un-allocated Crown land).

All nominations must be accompanied by a *Statement of Significance* outlining the essence of a tree's suitability. Determination of significance is a two-stage process; the first determines a tree's significance, *or not*. The second determines *how significant* it is. Four groups of criteria determine whether a tree is significant *or not* namely scientific, social, historic and aesthetic. Specimens are assessed in situ by experienced people who take measurements and make other onsite assessments. The community will benefit most when all trees, in all places, are assessed using the same criteria. If this doesn't occur, some trees will disappear when they should be retained, and some trees will be retained when they

could be removed. Not all trees are 'significant'; many 'everyday trees' are of considerable benefit to society. Some trees are *more* significant than others.

Recommendations:

- 1. Adoption of National Trust processes for registering significant trees;**
- 2. Designation of Trust-registered trees as Local Heritage to safeguard their historical and cultural importance.**
- 3. An urgent review of the types of exempted trees**
- 4. An urgent review of the circumstances where development approval in relation to significant trees is not required**
- 5. A reduction of the 30% threshold for pruning.**

Thank you for the opportunity to make this submission.

Please contact the writer should you wish to discuss further any of the matters raised.

Yours sincerely,



Dr Darren Peacock
Chief Executive Officer