

29 November 2019

Department of Planning, Transport and Infrastructure
GPO Box 1815
Adelaide SA 5001
Email: DPTI.PlanningReformSubmissions@sa.gov.au

Dear Sir / Madam

DRAFT PLANNING AND DESIGN CODE: PHASE TWO (RURAL AREAS)

I raise a number of issues within this submission to the Department of Planning, Transport and Infrastructure in response to the Phase Two of the Draft Planning and Design Code for Rural Areas.

The draft Code is confusing and in need of a number of corrections. It does not provide a simpler system for planning and development in the State for the following reasons:

- Multiple assessment authorities for different consents;
- Contradictory and incomplete or wrong use of overlays and state policies;
- Lack of inclusiveness for third parties who may have legitimate concerns over the discretionary aspects of assessment involving dismissal of some policies in favour of others, that might be mutually contradictory;
- Policies in the Code do not transition over existing controls re building types, given some DP zones stipulate detached and semi-detached in the Residential Zone, while the Code provisions increases heights and building types quite out of kilter with existing residential provisions (this applies to higher densities, number of storeys being provided at a state level, irrespective of existing detailed policies).

HERITAGE AND CONTRIBUTORY ITEMS

The latest statement regarding the above is diagrammatically indicated on the planning portal that the existing contributory items within a Heritage (Conservation) Zone will be carried over to Code content. It is not clear whether this is the latest decision of the Commission or not. If this is the case, (and Code draft provisions in a variety of instances appear contradictory), the policies around contributory items should encourage retention in the first instance. I submit that the majority of owners of contributory item have accepted the status on the basis that earlier Heritage (Conservation) zonings protect the overall heritage values and consequent property values of their homes.

If Code policies contemplate replacement buildings for contributory items, I submit that the same siting, set back site coverage, massing and built form must be required by any proposed replacement. This approach would protect the overall heritage character of the area or zone, and allay legitimate concerns expressed thus far regarding the possibility of uncontrolled and increased density in replacement buildings.

Heritage content in the draft Code for phase 2 demonstrates one size does not fit all – in the transition from specific zonings for very different areas of heritage value in different areas of the state to a broad approach for the whole state. The result will be to weaken associated policy controls.

My concern is that this will affect places in the Phase 2 Rural Areas and negate the significant investment made by those Councils who currently use these policy provisions for the sake of a one-size-fits-all planning system.

The State Planning Commission's judgement that the listing process for Contributory Items has lacked rigour is misinformed. Councils concerned have all prepared Heritage Plan Amendment Reports generally with a high standard of rigour. It is agreed that some are inconsistent and some vary in standard but this does not justify the proposed action to remove the contributory item category and throw out a system that has provided protection.

The State Governments Heritage Bulletin 2001 defined a Contributory Item as:

Contributory Item – Identified through policy formulation and amendment and deemed to have historic value by contributing to the heritage values of a Historic (Conservation) Zone or Policy Area.

This definition of Contributory Items provided by government shows that Contributory Items are protected from demolition in Councils where policy wording advocates their retention and model Principle of Development Control 1 (a) for Historic Conservation Zones stating:

Existing significant and contributory buildings identified in Table X and Map Y, which contribute to the historic character of the zone should not be demolished.

Native Vegetation

Regarding the provisions for Native vegetation, I

1. Support pre-lodgment of development application contact with Native Vegetation Council (NVC) to obtain advice in the early stages of a development proposal, before finalizing plans for planning consent. Furthermore, this arrangement should encourage retention in the first instance, to enable design and siting to avoid and minimize clearance.
 - Advocate NVC advice to advocate designing with a view to retention, not removal before designing.
 - Offsets for NV removal; i.e. re vegetation does not substitute for the benefits of large trees and valuation of trees should show a higher \$ value. For example, mallee trees for example which take 100s of years to grow – how should these be valued re their ability to manage salinity, and the hydrological aspects of native vegetation in sustainable land management?

Suggest that an approach regarding urban development and tree planting, in order to meet greenhouse targets, includes blanket protection for existing large urban trees of both native and deciduous species and seek new development to retain trees with sufficient space to sustain healthy growth. Incentives for developers could include tree retention deposits, higher plot ratio allowances subject to basic footprint and good. Requirements for additional planting of trees should be provided and encouraged as an appropriate response towards future management of increasing temperatures in the longer term.

Supported Policy:

2. Provisions for increasing and maintaining tree cover in urban infill situations are fully supported. Trees in our urban and rural environments deliver economic, environmental and

social benefits. Economic benefits include lower power bills, clean air, better mental and physical health conditions and reduce the urban and rural heat load through shade, transpiration and photosynthesis. The Waite Institute is half way through a program of assessing all trees in the Waite Arboretum on the basis of species, size, location, and environmental benefits provided by each type and specimen. Trees have grown naturally in the Arboretum without watering, so represent a better species selection for low maintenance planting within the urban context. For example, one specimen in the Arboretum, a 140 year old Sugar Gum, has been valued at \$58,000.00. The life cycle of large trees over hundreds of years provide many benefits that are not replaced by replacement vegetation.

Recommended Policy Changes:

1. Include specific references to biodiversity protection, including public land in relevant overlays and zones. There are a number of overlays that are related to public land that do not acknowledge the importance of long lived, large trees and their contribution to ameliorating predicted temperature rises.
2. Conservation Zone (including mapping)
 - a. must fully cover all gazetted reserves and wilderness protection areas
 - b. Land Use PO1.1 – small scale and low impact uses needs to be clearly defined
 - c. DTS/DPF1.1- public amenity needs to be clearly defined
 - d. All tourism proposals on reserves should be classified as restricted development.
3. Regulated trees overlay does not recognise the need to transition across all current development plan provisions. Whilst the general premise is that trees should be retained there is a lack of strong policy setting out the value of trees and avoiding tree damaging activity where at all possible.
 - a. Include reference for regulated trees in general to indigenous to the local area and important habitat for native fauna being criteria for considering retention
 - b. Include reference for significant trees to indigenous to the local area, important habitat for native fauna, part of a wildlife corridor and importance to maintenance of biodiversity being criteria for considering retention
 - c. Retention test *“retained where they make an important visual contribution to local character and amenity”* should be replaced with *“Significant Trees should be retained and not removed”*
 - d. In the case of significant trees include test of *“all other remedial treatments and measures have been determined to be ineffective”*

TREE/ BIODIVERSITY RECOMMENDATIONS

All large trees both indigenous and non-indigenous species, whether in rural or urban environments should be given a true economic value and retained until dying of natural causes.

All large native trees, as defined in the Native Vegetation Act should require council or the Native Vegetation Council

A special provision be provided for the retention of Grey Box trees due to their endangered classification and the fact they often do not grow to a regulated tree size.

Review true valuation to recognize that size does matter – Big trees provide the most environmental benefits and size does matter

Encourage design guidelines to manage overshadowing and privacy / amenity issues.

CONCLUSION & RECOMMENDATION

The Code and on- line system must be corrected and fit for purpose before activation. The State wide community , developers, and local councils deserves no less.

Yours sincerely, and in haste,

Dr Iris Iwanicki, PhD, M.Env.Law, GDTP, BA, M.ICOMOS
Life Fellow, RPIA.

