

From: [Yuri Poetzi](#)
To: [DPTI:Planning Reform Submissions](#)
Subject: Phase 2 of the Code
Date: Friday, 29 November 2019 2:19:48 PM

The new Planning Codes intention is to simplify the planning system. This may be true for developers, however for members of the public it is confusing, vague and at times contradictory. There are many generalizations open to multiple interpretations, not normally found in legal documents.

It seems the code also can be altered with no notice by ministerial discretion. Is that really acceptable as due process?

Given that our current Planning Minister doesn't seem to understand how poor our current tree protection laws are. Simply applying current tree protection laws to the new code doesn't instill any confidence that historic old growth will be afforded any meaningful protection or recognition of their value

Why are some parts of Public Parks currently not included in Conservation zones or relevant overlays? Is this intentional or a simple mistake of high consequence?

The current government seems intent to push development in conservation zones. Whereas many within the community find the notion of pristine areas being exploited and cleared for advertising, campgrounds, farming and renewable energy as unacceptable.

There also appears to be little in the way of Public notification of developments within public land.

Consistent with the current planning process there is no right of appeal or representation for the general public over contentious planning decisions (even on public land), yet developers may repeatedly reapply to remove historic old growth vegetation. How is this a just and fair process? This disparity supports the notion that the Code and Act have been written with the interests of developers prioritized over those of the public, denying Natural Justice

There seems to be little in the new Regulations to compel developers to incorporate existing vegetation as part of their plans. Currently its common practice to remove vegetation before design, instead of designing with a view to retention. It appears the New Planning Code will continue the era of clear felling whole blocks for construction convenience.

A clause should be included in the Regulations where-by 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.

The new public notification method in the Code could 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 and published in newspapers

It's unfortunate that there isn't more emphasis in the Act to Ecological, Environmental, and Mental Health benefits of old growth trees, as we'd likely have less contentious designs for major projects. The economic value of temperature reduction from tree canopies, the health benefits of clean air they produce and the importance of biodiversity need to be recognized in the code in a meaningful way.

Could property owners who have historic old growth be rewarded by having their properties values increased, with monetary recognition of the value of these irreplaceable assets?

Currently when a development removes a Regulated tree, 2 trees are required to be planted to offset the loss and a Significant tree has 3 trees planted to replace its loss. It must be recognized that new replacement trees will take generations to replace the ones destroyed. 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.

Since 2017 Public Schools are exempt from requiring approval to remove a Regulated or Significant tree under Schedule 14. Regulated trees at public schools should be given the same due process as any other Regulated trees . Roadside Regulated and Significant trees are also exempt from requiring removal approval by DPTI. Roadside Regulated and Significant trees should be protected and given due process.

It appears the Liberal's adopted Labor's heavily criticized planning agenda, leaving SA voters with no alternative options to planning from the major parties at the last election. Mr Knoll has publicly acknowledged his lack of prior planning experience, yet is drastically rewriting SA's planning laws. Unfortunately for us he is advised by many of the same senior public servants that advised our previous Government. Members of the State Planning Commission have publicly acknowledged the new Code will have mistakes when activated, as combining all previous state zoning and planning regulations into a single code is a massive task. Is it prudent to push through a flawed and incomplete Code? Surely such an important issue would benefit from having more time to complete and be comprehensibly peer reviewed for accuracy and clarity before activation. Imagine if a surgeon committed to an operation without a clear and definitive procedure in mind or if aviators flew planes without a complete flight plans or check lists

Given the available time, will public submissions be given due consideration? Public submissions seemed to have no effect on the activation of Phase 1 of the Code

Yuri Poetzl

