Introduction to this submission

This submission is provided on aspects of the Planning Design Code that are most relevant to fire and natural hazards, sustainability, environment and climate change.

The submission also makes direct comment in relation to zoning and overlays described in the Phase three consultation and online mapping system.

Some components of the submission have been identified in the Phase 2 consultation for Rural Areas and in other consultation papers and may refer incorrectly refer to page numbers and sections in the Phase 2 document. Please note that additional feedback has also been included in these sections.
Government Commitments and Statements – noted

- 20% increased canopy and Green Cover by 2050
- Biodiversity city:

  "Creating Green Adelaide, a new organisation focused on Adelaide’s urban ecology. I believe that we can make Adelaide the most ecologically vibrant city in the world"

  The Hon. David Speirs, MP
  Minister for Environment and Water 2018

- State Planning Policies : Biodiversity
  o 4.1 Minimise impacts of development on areas with recognised natural character and values, such as native vegetation and critical habitat so that critical life-supporting functions to our state can be maintained.
  o 4.2 Recognise the value of modified landscapes and allow appropriately scaled development that can co-exist with and safeguard biodiversity values and critical functions.
  o 4.3 Encourage the re-introduction of biodiversity or its components in development areas to provide life-supporting functions at low cost.
  o 4.4 Enhance the biodiversity of urban areas and townships through a connected and diverse network of green infrastructure systems along streetscapes, major watercourses, linear parks, open space, the coast and other strategic locations.
  o 4.5 Where impacts to biodiversity cannot be avoided, these impacts should be minimised and where possible, offset.
  o 4.6 Encourage nature-based tourism and recreation that is compatible with, and at an appropriate scale for, conserving the natural values of that landscape.
  o 4.7 Assess and manage risk posed by known or potential biosecurity threats to enable the sustainable development and use of terrestrial and marine environments.
  o 4.8 Development in, or affecting, marine environments is ecologically sustainable.

Feedback by Issue

Level sites are destroying the urban environment.

Beyond the very few regulated trees that are protected (and loopholes or community pressure have not yet led to their destruction), there are zero protections or incentives for gardens and trees to be protected through the urban infill process. The level site becomes the starting point for the vast majority of developments. This is a major failure of South Australia’s planning system. Coupled with the related loss of Victorian and Federation houses, our urban environments are being destroyed. Not decimated as this would simply be 10%. They are being systematically destroyed.

This does not need to be the case but sadly it is.
The proposals in the Planning Design Code as currently presented without any additional incentives will fail to achieve the Government’s canopy and green cover targets and its biodiversity objectives of Green Adelaide:

“Creating Green Adelaide, a new organisation focused on Adelaide’s urban ecology. I believe that we can make Adelaide the most ecologically vibrant city in the world”

The Hon. David Speirs, MP
Minister for Environment and Water 2018

There is a need for honesty about whether the state Government is committed to maintaining urban biodiversity and green canopy cover through this planning process and/or any other processes. If it is unrealistic given the level site approach with one or two trees per site for urban development then the state government must acknowledge that it has abandoned its previous aspirations and commitments.

When sites are cleared of trees and gardens the habitat, plants, insects animals such as birds possums, blue tongue lizards, skink lizards, geckos, etc are all made locally extinct. It is true that those not destroyed by the bulldozers could flee to other sites whilst they exist but competition for diminishing habitat and food sources has a direct link to the carrying capacity so that amount of animals die. Also, as the gardens are destroyed, the functional urban corridors are also destroyed so migration is prevented.

There are incentives that could go some way to improving the preservation of gardens and trees rather than encouraging the current level site approach. These reforms need to be integrated with the planning reforms rather than being something that might be considered at a later date.

Reform 1: Establish incentives to discourage level site clearing

Reform 2: Incentivise the calculation of land tax to deduct the % area of canopy and green garden cover from the tax determination

The provisions for a tree/some trees and limited open space in the Design Code, are not sufficient to achieve greening targets or biodiversity aspiration that the Environment Minister has identified.

Rearranging how the land tax is calculated would provide a modest but significant re-occurring incentive that will encourage greater canopy and garden green cover.

Such an approach is not new. When rural property owners dedicate areas of native vegetation to be protected through heritage agreements, they can achieve a council rate reduction. The idea is that they are protecting that land for the environment rather than alternative land uses so they receive a reduction in charges for that area of the property.

The same concept could be applied to protecting trees and gardens based on the area of canopy and green cover area. There is now ample capability using the regularly updated NearMaps or other imaging tools to make or assure this determination through sampling. This reform will to incentivise landowners to increase canopy and green cover.
Revenue SA could manage the implementation of Land Tax to be cost neutral overall for the revenue collected, in supporting a % discount based on the area dedicated towards trees and gardens (not lawns). The changes would see those that contribute to gardens and greening paying less compared with those sites that are covered in buildings and hard surfaces that would pay more where a greater area of the land is being used for human only purposes.

Rooftop gardens and green walls could potentially be included at a reduced discount.

There are already provisions in the Land Tax calculation to incorporate different land uses, yet to date there has been no segregation of the land uses that support trees and gardens and green cover for urban sites.

**Current Land Tax calculations:**

Land ownership, site value and land use as at midnight 30 June each year is used to determine the land tax for the forthcoming financial year. Land tax revenue assists in the provision of public services such as education, health and public safety.

Revenue SA is responsible for the collection of land tax under the Land Tax Act 1936, the Taxation Administration Act 1996 and associated Regulations.

For details on how land tax is calculated refer to the [Guide to Land Tax](#) or the [Land Tax Guide to Legislation](#).

You can also use our calculator to determine your land tax.

**Planning tests**

The Planning system is designed to work largely online with spatial mapping and decision making tools being integrated. Such a system will be full of bugs and issues. There must be a testing phase that continues for as long as it takes it assure that it is fit for purpose, before becoming the decision making tool.

The system for updating flood prone areas and fire risk areas requires urgent attention and the overlays must reflect the best information. This too must be tested and assured. The process for including better information must be efficient, fast and assured.

**Alignment with State Planning Policies**

Checks and remediations will be required to assure that once in place, the Design Code is serving to implement the State Planning Policies. Where practice falls short, particularly with regard to environment

**Heritage and Character**

The Heritage and character of Adelaide is being lost to level sites and it is rapidly becoming a disfigured city. The Planning framework is allowing the destruction of the better homes gardens and buildings. The Planning design code requires strengthening in this area or in incentive schemes to sit alongside the planning system.

**Making best use of the three month delay in implementation**

The three month period should be used as a minimum to:
- provide access to the full online system to road test
- engage on areas that require *must-do-now* improvements such as in fire and natural hazards
- collaborate with technical experts and local government to fix issues

**Sustainability, Climate Change, Water Sensitive Urban Design**

The aspiration is underwhelming and outcomes will not deliver stated government commitments and aspirations.

There also appears to be inconsistencies across the various approval pathways which may erode the minimal sustainability and green cover outcomes.

The code does nothing to stop Adelaide’s level site culture.

Ultimately to achieve cooler places to live with 20% increased canopy cover, healthy urban and regional biodiversity, clean rivers and streams, useable open space and sustainable transport opportunities the Planning Design Code will need to drive higher aspirations for sustainable design with greater protection and enhancement of urban garden biodiversity habitat, native vegetation, regulated trees rivers and streams.

**Code Amendments**

There needs to be an immediate moratorium on code amendments until Regional Plan Amendments are adequately completed.

**Ban Time Frame Deemed Consents**

There is a real danger that timeframe bound limits which enable deemed consents will be exploited as a loophole. A delay in assessment should potentially include a penalty/notice on the assessor or decision maker but should not enable a default consent that approves a bad decision.

**Feedback on Sections of the Draft Planning and Design Code document**

**Part 2 – Zones and Sub Zones**

**River and stream corridors**

**EXAMPLE: Gawler River and Corridor**

Regarding the establishment of zones and sub zones, the Gawler River Corridor is largely undeveloped and has enormous and significant current and potential value for people and the environment.

With the continued urban development of the Northern Adelaide suburbs, the Gawler River is as significant to Northern Adelaide communities, as the Torrens River Corridor is to Adelaide and its eastern and western suburbs. The Gawler River also incorporates an important Hills to coast nature corridor.

The zoning shown, whilst difficult to be confident on the colours, shows minimal width set aside for open space and does not appear to provide adequate riparian space for the social and environmental functions of the river and riparian ecosystems to continue. It is also important that many lessons can be learnt from the River Torrens with regard to how urban rivers and corridors can be protected, and the difficulty and constraints where there is insufficient space. These lessons include:
Where zoning permits development too close to the river, then there are constraints on walking trails, constraints water detention and filtration ponds, constraints on flood mitigation and amenity.

Where direct road to river runoff drainage occurs, water quality deteriorates and macrophytes such as yabbies become lost to the system the functionality of the riparian zone to support biodiversity is diminished.

For the Gawler River and other river and stream corridors to function for biodiversity and ecosystem services, they need to incorporate wild habitat across large expanses rather than cut lawns with calthrop covered bare areas such as in the Torrens River Linear Park and busway. In achieving wild places then there is naturally fire risk (there is already fire risk along the length of the Gawler River and along greenfield streams) This is not necessarily a bad thing, but requires additional space for the bushfire asset protection zones and buffer zones.

So the width of the corridor of rivers and streams must extend with sufficient additional width for stormwater detention, flood spillage, roadways, cycle and walkways and finally bushfire asset protection zones (where the cut grass can be maintained) on either side.

50 metres on one side is not enough. For the Gawler river, 100 metres on either side is required just for the establishment of bushfire buffer zones. DPAs and land divisions must given guidance to incorporate the learnings from the River Torrens corridor which has resulted in many benefits but also planning mistakes and the decline of water quality such that yabbies cannot live in the river downstream of Campbelltown as far as I am aware.

Even for smaller streams there is a need for design for these to operate as biodiversity corridors, open space for people and stormwater flood and pollution management.

**General feedback regarding overlays**

All overlays will contain information that may be imperfect or will become outdated. It will be important to have a robust and transparent process to update overlays and zones as new or better information becomes available. There may also be a need to enable a dataset with better information to be used in relation to a specific development. Naturally such changes may have substantial impacts on site locations and envisaged developments and developers so the process for updating the various different overlays would need to be fully described if not scheduled.

**Part 3 – Overlays**

**Affordable Housing Overlay**

Re: DO 1. Affordable housing that includes a range of affordable dwelling types is integrated into residential and mixed use development, and, DO 2 Development that caters for a variety of household structures. Whilst the Code does mention a variety of structures, there is no listing of what these structures might include. It is also observed that the Code provides no mention of micro housing as part of sustainable and affordable housing options.

It is recommended that a list of example household structures be described and that potential opportunities not be prevented through non identification.

It should also be noted that whilst there are similarities between micro-housing and caravan parks, there are sufficient differences in standards and purpose that would need to be catered for. There may even be a need to create a specific overlay to provide opportunities and guidance for micro-housing.
FIRE RISK AND PLANNING  Foundation Comment

The concept of general, low, medium and high bushfire risk used as a basis for planning decisions is sometimes deceptive. Under extreme and catastrophic conditions, there is an extreme and catastrophic risk almost everywhere across rural South Australia. This has always been the case and should be better recognized by the planning framework. With climate change and hotter drier conditions, South Australia will experience faster moving extreme grass and crop fires. In many cases, native vegetation is where these fires slow down and provide opportunities for control and have in fact been utilised as last resort refuge. Pinery, Wangary, Keyneton (1&2) Yorketown and many other fires provide examples of difficult and fast moving grass and crop fires that were all or largely within general bushfire risk zones, but the impacts of these fires were or could have equally been extreme and catastrophic. Planning should transition towards looking at how to improve the resilience of critical infrastructure and occupied dwellings and businesses across all risk zones, rather than simply approving developments with native vegetation removal.

I have not updated this submission with the new page numbers to align with the Stage 3 Rural areas document. The issues raised are the same and I simply do not have the time and resources to make a perfect submission. I have however, expanded the content of this submission in some areas.

It is important to note that the Bushfire Management Zone Standard and Guidance for Use has now been approved, and that the terminology and content needs to be integrated within the Planning Design Code. The Code must also clarify its terminology to prevent confusion between bushfire risk zones used to guide the built form requirements and the fire management zones that are required to manage land to reduce bushfire risks. Both the risk zones and the management zones must be addressed in the development assessment process.

Hazards (Bushfire – Outback) Overlay

Assessment Provisions (AP) Desired Outcomes (DO) DO 1 RE: “Development is located to minimise the threat and impact of bushfires on life and property”, is lacking the environmental objective contained within the State Mission regarding fire management to “protect life, property and environmental assets”. Planning should share this same outcome commitment in its construct to assure that related designs, deemed to satisfy requirements and performance assessments are undertaken in accordance with integrated environmental outcomes.

In addition, the interests of lives and property and environmental assets are best served by safe planning which can best be achieved by building in locations that are in already cleared land and not in close proximity to high fuel load native vegetation.

SUGGESTION: It is suggested that there be a general principle for land divisions, tourism developments and critical (vulnerable) infrastructure to be located on cleared land and in cleared areas.

DO 2 RE: “To facilitate access for emergency service vehicles to protect assets and lives from bushfire danger”. This is over- aspirational and unachievable. Such an outcome is only possible with small fires, but once conditions become severe, extreme or catastrophic, emergency services vehicles and fire crews cannot be expected to save lives and property. They do what they can to assist, but cannot “protect”.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria Habitable Buildings PO 1.1 RE: Residential and tourist accommodation “(b) minimise the need to clear native vegetation”. The Clause to minimise the need for native vegetation could be strengthened. Whilst it may be possible to minimise native vegetation clearance, the clearance of native vegetation to date, largely occurs as incidental to development once it is...
approved. The Native Vegetation Council and CFS Development Assessment Service should be able to assess and rule on the full risk and clearance impact of a development, including the direct footprint, the Asset Protection Zone, the need for a Bushfire Buffer Zone, and potential need for further fuel reduction burning in Conservation Zones.

**Recommendations**

It is recommended that clause (b) is strengthened to read:

1) **Development including land divisions, tourist accommodation and critical vulnerable infrastructure is not built on, or encroaches within, an area that will require significant native vegetation clearance.**

2) It is recommended that the CFS Development Assessment Service be able to provide advice and say no, where new developments are unsafe and will never be safe.

3) Owners and occupiers of individual detached dwellings proposed in or in close proximity to native vegetation take responsibility for managing their own risk as there is no commitment to clearance of native vegetation beyond a 20 metre defendable space surrounding an isolated detached dwelling. This recognises the current situation where many houses are built in the Adelaide Hills, where people actually choose to live within the environment despite being within intact native vegetation and without any substantial asset protection zones.

**DTS/DPF 1.1**

- RE: “an asset protection zone with a minimum width of 50m already exists and can continue to be maintained around the accommodation; and (b) the asset protection zone is contained wholly within the allotment of the development”. This clause may have unintended consequences as the current native vegetation clearance exemptions around dwellings is up to 20 metres around the dwelling only. The Code would need to clarify that:
  1) This clause applies to a current asset protection zone already registered in a Bushfire Management Area Plan
  2) Can be established on land already cleared to below the fuel loading of low
  3) Would be subject to approval from the Native Vegetation Council and CFS Development Assessment Service.

REQUEST Can the Planning Commissioners/DPTI/Minister clearly articulate and confirm that the shocking and careless planning decisions for unsafe developments that have continued post Ash Wednesday and post 2000 will now be stopped? These include those developments that I have identified many times before (and before the bushfires of December 2019- January 2020) in regard to development applications and fire management and fire management zones such as:
Penneshaw: 57 allotments on a north facing slope bordered by two heavily vegetated gullies
Not safe, will never be safe.

American River: land division on heavily wooded slopes
Not safe, will never be safe.

Port Lincoln: Encroachment into native vegetation with zero responsible thinking about the fire risks and assessment of asset protection zoning as part of the development approval. The vegetation will continue to be thinned and cleared to support the bad planning.
Not safe, will never be safe.
Kangaroo Island Southern Ocean Lodge:

Not safe will never be safe

Image from my submission on the KI Walking Trails Development Native Vegetation Clearance consultation, currently destroyed by fire

Kangaroo Island Wilderness Retreat:

(Pre 2000) Not safe, will never be safe

Suffered major damage in the 2019-20 fires

Vehicle Access –Roads and Driveways PO 2.1

Re: Roads are designed and constructed to: "(b) avoid the unnecessary clearance of native vegetation". This clause could be strengthened to: **Roads to be built in or result in significant native vegetation clearance be included in the development assessment and approval, not as incidental to the development should it be approved.**

PO 2.2 RE: Where the furthest point of the building from the nearest public road is greater than 30m,

   Driveways are designed and constructed to:..."(b) avoid the unnecessary clearance of
native vegetation”, suggest strengthening to “b) **avoid significant impacts on native vegetation and the unnecessary clearance of native vegetation.**

Hazards (Bushfire – Regional) P. 1446 Comments on this section will mirror comments on: Hazards (Bushfire – Outback) Overlay

Hazards (Bushfire – General Risk)

Comments on this section broadly mirror comments on: Hazards (Bushfire – Outback) with the addition of: Land Division, PO 4.1 RE: Land division is designed to: “c. ensure each allotment contains a suitable building envelope that is located away from any vegetation that would pose an unacceptable risk in the event of bushfire”. There is no clarity on what defines an unacceptable risk.

Throughout the landscape, buildings are approved, then native vegetation is cleared or modified for Asset Protection Zones, Bushfire Zones and additional fuel reduction I Conservation zones. This goes beyond achieving BAL resilience. If a land division is approved with a given BAL resilience and an asset protection zone, but a bushfire Buffer Zone is then required up to 1km wide then what defines how this will be assessed in the development approval.

**Recommendation** Strengthen the clause to read: c. ensure each allotment contains a suitable building envelope that is located away from any vegetation that would pose an unacceptable risk in the event of bushfire including that reasonable steps have been undertaken to ensure that additional subsequent clearance for asset protection and bushfire buffer zones will not be required.

PO 4.3 Re: Bushfire Buffer Zone around a land division to isolate residential allotments from areas that pose an unacceptable bushfire risk. Figure I is unclear when considered in the context of many, potentially most land divisions near native vegetation. The diagram is more closely aligned to an Asset Protection Zone of up to 100 metres for multiple dwellings, including a roadway. Bushfire Buffer zones typically extend from beyond an asset protection zone and can be up to 1000 metres wide. There is an ideal opportunity for the diagram to show the following potential zones in the diagram.

- **DEFENDABLE SPACE 0 to 20 metres** surrounding a residential dwelling or 10 metres surrounding a council approved shed or outbuilding where vegetation is managed to low fuel levels.
- **ASSET PROTECTION ZONE 0 to 100 metres** (50 metres is required by the the Design Code) surrounding a group or line of residential dwellings, occupied commercial/industrial sites, critical infrastructure or tourism where vegetation is **managed** to low fuel levels (can sit over the top of the defendable space).
- **BUSHFIRE BUFFER ZONE 100 to 1000 metres as required**, strategically located to reduce risks to group or line of residential dwellings, occupied commercial/industrial sites, critical infrastructure. **Please** note that Bushfire Buffer Zones usually extending from an asset protection zone when needed to increase protection for built assets, but can be detached from an asset protection zone in some circumstances, typically when placed to protect environmental assets.

Hazards (Bushfire – High Risk) Overlay

Comments on this section broadly mirror the comments made under Hazards (Bushfire – General Risk) P. 1454, Hazards (Bushfire – Regional) P. 1446 and Hazards (Bushfire – Outback) Overlay P. 1441 with the addition of:

DTS/DPF 4.2 Re: Development meets the
following requirements:

(a) an asset protection zone with a minimum width of 100m already exists and can be maintained around the accommodation; and (b) the asset protection zone is contained wholly within the allotment of the development.

By definition under the State Bushfire Zoning Standard that describes bushfire management zones, and Asset Protection Zone must not be more than 100 metres.

**Recommendation** Change ‘minimum width’ to maximum width. Beyond 100 metres, if further fuel reduction is necessary, this would require a bushfire buffer zone. All zoning needs should be included in the development assessments and approval required by the native Vegetation Council and CFS Development Assessment Service.

The diagram *Figure 1, Land Division Layout*, used in the Planning Design code is deceptive and misleading because it does not properly describe fire management zones, it does not demonstrate the correct terms and it fails to display a realistic scale.

When zoning is included based on an estimate of the size of the allotments, the bushfire hazardous native vegetation would need to be removed or severely modified to make way for an asset protection zone. The Design code makes reference to such a zone already existing, but in reality, very few asset protection zones are spatially defined and approved in Bushfire Management Plans. So what then? Will this example development be rejected? How is it safe? How will it not lead to ongoing destruction of the native vegetation?

The shaded Figure 1 shows the width of the defendable space and an asset protection zone to the agreed maximum distance of 100 metres. Beyond this, the Bushfire buffer zone might be required for up to a further 1 km in width. How is the bushfire buffer zone factored into the Planning Design Code?
The diagram should be updated to show a conceptually realistic development with inclusion of the defendable space, asset protection zone, bushfire buffer zone and even a strategic risk management zone.

Hazards (Bushfire – Medium Risk) Overlay

Comments on this section broadly mirror the comments made under Hazards (Bushfire – General Risk) Hazards (Bushfire – Regional) Hazards (Bushfire – Outback) Overlay and Hazards (Bushfire – High Risk) Overlay.

Hazards (Bushfire – Urban Interface) Overlay

Comments on this section broadly mirror the comments made under Hazards (Bushfire – General Risk), Hazards (Bushfire – Regional), Hazards (Bushfire – Outback) Overlay, Hazards (Bushfire – High Risk) Overlay, and Hazards (Bushfire – Medium Risk) Overlay.

Native Vegetation Overlay

RE: PO 1.1 “Development avoids, or where it cannot be practically avoided, minimises the clearance of native vegetation taking into account the siting of buildings, access points, bushfire protection measures and building maintenance.”

The phrase “where it cannot be practically avoided” provides an ambiguity where it is possible to dismiss a better alternative location that would eliminate clearance of native vegetation.

There are many examples of post 2000 developments including land divisions, tourism facilities and vulnerable critical infrastructure that have been approved in locations within and adjacent to high fuel native vegetation and with unsuitable topography, resulting in the need to clear more native vegetation. Even with further vegetation clearance post the development approval, some of these developments remain non-defendable, unsafe and may never be safe.

As the impacts of climate change continue to increase the risk of more extreme bushfires in conditions where fires cannot be controlled, there is a need for the Planning Design Code to ensure that developments are not placed in and against native vegetation where there are alternatives.
**Recommendation:** It is recommended that there be a more stringent requirement to locate land divisions, tourism facilities occupied developments and critical vulnerable infrastructure on land that is substantially already cleared.

The bushfire measures including the 20 metre defendable space, potential need for an asset protection zone and bushfire buffer zone to be incorporated into the assessment.

**State Significant Native Vegetation Areas Overlay**

**RE: DO 1 “Protect, retain and restore significant areas of native vegetation”**.

Whilst DO1 is a worthy aspiration, the Design Code and Overlays do not provide ant tangible planning mechanism towards restoring native vegetation. The opportunity remains for South Australia to map and plan how it will preserve, enhance and re-establish functional nature corridors. The previous Naturelinks Corridors identified the need for such an approach, but this did not result in discernible on ground improvements. The State Significant Vegetation Areas Overlay could now provide for both the current and potential locations of State Significant Vegetation areas to incorporate those areas that have the potential to re-connect habitat islands, such as connecting the South East to the Riverland, Nkarkat to Billiat, the Riverland to the Mount Lofty Ranges, and Hills to coast nature Corridors such as the Gawler River corridor.

**Recommendation:** The State Significant Native Vegetation Overlay be expanded to cover both potential state Significant Native Vegetation Corridors that would be necessary for improving the resilience of islanded populations against climate change and extinction.

Whilst many developments within potential nature corridors can co-exist, developments may create permanent changes of barriers should be assessed against these risks.

Include the Gawler River Corridor (hills to coast) into the State Significant Native Vegetation overlay due to its significant trees and role as a nature corridor.

**Prescribed Surface Water Area Overlay**

To complement the water resources overlays, there stormwater pollution prevention including trash, particulates and other pollutant loads.

To restore the health of urban rivers and streams it will be necessary to create detention ponds with bio filtration infrastructure. Ideally new developments would not establish new ‘road to river’ drainage infrastructure. Greenfields development planning in particular, should provide adequate space to establish localised Water Sensitive Urban Design initiatives and strategically placed stormwater detention and bio filtration infrastructure so that the water entering streams is clean and can support the river ecology.

**Recommendation:** Create a new Overlay: River and Stream Overlay, to guide new infrastructure to incorporate Water Sensitive Urban design, settlement and bio filtration infrastructure before urban stormwater enters streams and rivers.

**Regulated Tree Overlay**

Re: Desired Outcome (DO) DO 1
The conservation of regulated trees to provide aesthetic and environmental benefits and to mitigate tree loss through appropriate development and redevelopment.

**Recommendation:** Please incorporate the climate adaptation role of trees in the DO. That is through cooling microclimates through evapotranspiration and shade. This would be an important step towards future sustainability and resilience in a changing climate.

**Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria**

RE: Tree Retention and Health PO 1.1: “Regulated trees are retained where they make an important visual contribution to local character and amenity.” PO 1.1 can easily be dismissed by claiming that the visual contribution of most individual trees is not important. The wording words provide escape clause to remove trees that might otherwise be protected.

RE: PO 1.3 “A tree damaging activity not in connection with other development is undertaken to:

RE: (a) remove a diseased tree where its life expectancy is short”.

This clause is in claims that the forward life of healthy trees may be short, and justified on the basis that the tree is in decline. All trees carry diseases. A tree make be in decline for decades or even hundreds of years yet still be structurally sound and fulfilling an important role.

RE: (d) reduce an unacceptable hazard associated with a tree within 20m of an existing residential, tourist accommodation or other habitable building from bushfire;

This clause is open to assessment by those not skilled to understand what risk the tree poses with regard to bushfire. Trees are removed on the basis that they drop leaf litter and debris which is a secondary risk that can be managed, rather than a primary risk. In many situations, trees and regulated themselves do not pose a risk.

Under the Fire and Emergency Services Act (F&ES Act) 2005, there is a need for a Code of Practice for bushfire preparedness on Private Land. There is a strong argument that this clause duplicates the role of property preparedness which should be carried out under the oversight of the F&ES Act rather than the Planning Act. It is also understood that this 20 metre tree clearance exemption was not originally initiated by the CFS.

**Recommendation:** The assessment for removing regulated trees within the 20 metre defendable space surrounding approved dwellings and occupied structures be referred to the CFS Development Advisory Service.

RE: PO 1.4 “A tree damaging activity in connection with other development is undertaken to accommodate the reasonable development of land in accordance with the relevant zone or subzone where it might not otherwise be possible and, in the case of a significant tree, all reasonable development options and design solutions have been considered to prevent substantial tree damaging activity occurring”.
It is important for such tree damaging activity and native vegetation clearance to be determined prior to development approval being granted and must not be allowed to become an incidental clearance/tree removal to an approved development.

**Recommendation:** Strengthen PO4 to ensure that developments are designed to avoid this situation and that development approvals are granted based on the full potential impact of the development.

**Part 4 – General Development Policies**

**Infrastructure and Renewable Energy Facilities**

The Infrastructure and Renewable Energy Facilities Policy could be improved by including a Desire Outcome of selecting locations to avoid the clearance of native vegetation where possible and to minimise the impacts where this outcome is not possible.

**Change to:** DO 1, Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that:

- suitably manages adverse visual impacts on natural and rural landscapes and residential amenity
- preferably prevents the clearance of native vegetation and avoids culturally sensitive places.
- If avoidance of impacts is not possible, development that minimises hazard, is environmentally and culturally sensitive.

Household and property scale solar and wind turbine renewable electricity and electricity storage facilities should be covered by the Planning Design Code, including small scale wind turbines. For example, small scale wind turbines must be located to catch the wind. This aspect compromises the ability to screen the infrastructure.

**Recommendation** The Design Code should clarify the opportunities and constraints for the various configurations of small scale wind turbines at a high level in the code, and in more detail through a practice guideline.

**Electricity Infrastructure and Battery Storage Facilities**

Re: Renewable Energy Facilities PO 7.1 Placing renewable energy facilities, “Renewable energy facilities located as close as practicable to existing transmission infrastructure to facilitate connections and minimise environmental impacts as a result of extending transmission infrastructure”.

The proximity to existing transmission infrastructure is not an indicator of environmental impact. There are many sites containing important intact native vegetation close to transmission infrastructure that are currently at risk of clearance due to solar farm proposals. There are also areas of cleared marginal land which may be a bit further from transmission infrastructure, yet with good planning to create new connection nodes that multiple developments might be able to utilise, could provide more significant long term opportunities.

**Recommendations:** It is recommended that:

The Performance Outcome is modified to read: PO 7.1 Placing renewable energy facilities, “Renewable energy facilities located as close as practicable to existing transmission infrastructure to facilitate
connections and to minimise environmental impacts as a result of extending transmission infrastructure.

The distance from transmission infrastructure is a separate commercial decision for a proponent.

In addition to battery storage, acknowledge synchronous condensers and other ancillary equipment which may be required to support renewable electricity

**Tourism Development**

**RE: DO 1 Tourism development in suitable locations that caters to the needs of visitors**

Tourism developments have the potential to cause significant harm to areas of native vegetation, biodiversity, other environmental assets and landscape amenity. The Design Code should connect the awareness of the need to select a location which is safer from bushfires, defendable and does not require further clearance of land for asset protection zones and bushfire buffer zones and new fire standard ready access roads and turning points to be cut through native vegetation.

**Recommendation** Add to DO 1: *Tourism development in suitable locations that caters to the needs of visitors, and the environment* (see also feedback on fire and natural hazards)

**RE Criteria PO 1.1: Tourism development complements and contributes to local, natural, cultural or historical context.**

**Recommendation:** Add in, PO1.2 Tourism Development that is located to be resilient to bushfires including with an adequate asset protection zone and bushfire buffer zone if required

**RE: DTS/DPF 1.1**

**Recommendation:** Add in DTS/DPF 1.1 The removal of intact native vegetation is avoided and clearance of any native vegetation is minimal.