



1 March 2019

Response to the Planning, Development and Infrastructure (General) (Development Assessment) Variation Regulations 2019

Australian Institute of Landscape Architects - SA Chapter (AILA SA)

AILA SA thanks the Department of Planning, Transport and Infrastructure (DPTI) for the ongoing opportunity to provide feedback and expertise to inform the Planning Reform in South Australia.

AILA SA is the local chapter representing the Australian Institute of Landscape Architects, the growing national advocacy body representing just under 4,000 active and engaged landscape architects across the country. We are committed to creating a better Australia that acknowledges the benefits that natural systems can provide for our physical and mental health and the role that good design plays in creating vibrant and liveable cities and neighbourhoods. AILA SA has most recently provided feedback on the Planning and Design Code: Productive Economy Policy Discussion Paper. [Click here](#) to review AILA SA's ongoing advocacy to support the Planning Reform in SA.

AILA SA welcomes the opportunity to contribute to the Planning, Development and Infrastructure (General) (Development Assessment) Variation Regulations 2019.

Purpose of Feedback

AILA SA has supported the State Government's recognition of the value and importance of urban canopy and green cover setting the objective (Target 5) to maintain and increase canopy cover. To date however, there is no effective mechanism to achieve the targets for a 20% increase in canopy and green cover by 2045 in Adelaide Metropolitan Council areas.

Across Adelaide's suburbs, the existing tree canopy is in decline, which has been accelerated by the weakening of Regulated and Significant Tree Regulations in 2012. AILA SA highlights that unless the Planning Reform process introduces new mechanisms to provide greater protection for green cover, as well as enabling an increase, the State Government's targets will not be met, and the quality of our neighbourhoods will be severely affected.

Limiting the increase in green cover to public lands only will not achieve the State Government's target. AILA SA provides the following recommendations, in recognition of the critical importance maximising the retention of existing trees will play if the State Government is committed to achieving the agreed 20% increase in canopy and green cover by 2045:

- All species to be protected, and that the removal of any regulated or significant must be applied for, and decisions assessed on a case by case basis
- The exemptions for regulated sized trees to be removed within 10 metres of a dwelling or an in ground swimming pool to be deleted and any proposed removals must be applied for and assessed on a case by case basis

- The exemption which allows dead trees to be removed be deleted in recognition of the habitat and biodiversity support that dead trees provide, as well as encouraging landowners to support their living trees to be healthy
- Deleting the exclusion of pruning activities upon regulated trees from the definition of tree damaging activity, and that pruning beyond an overall 30% percentage must be applied for and assessed on a case by case basis.
- The inclusion of a Regulated / Significant Tree Overlay which (in a similar way to Heritage overlays) depicts spatially where these assets are to inform future development opportunities

Further, greater expectation is required if a Regulated or Significant Tree is approved to be removed. The Regulations must clearly address what is expected in terms of replacement trees (eg advanced tree stock / specimen) or an alternative amount payable for each replacement tree not planted be nominated. This 'fee' or 'contribution' should reflect the true long term 'value' of the tree being replaced. There are now practical and credible methods available for deriving this 'value'.

Planning and Development (Open Space) Fund – Maintenance of Purpose

The Planning and Development Fund (created from contributions per new allotments in lieu of providing land for public open space) supporting investment in the planning, design and revitalisation of public open spaces across South Australia, in partnership with Local Government.

AILA SA is concerned that the Regulations have included a provision for a much broader purpose than open space, given the wide scope of *State Planning Policy*, eg *Housing Supply and Diversity*, *Primary Industry, Employment Lands, Resources* (mineral and energy assets), *Strategic Transport and Infrastructure, Energy, Emissions and Hazardous Activities*. The broader application of the fund could seriously dilute the outcomes from the intention, purpose and benefit from the open space contributions.

- *125—Application of Fund*
For the purposes of section 195(g) of the Act, a public work or public purpose that promotes or complements a policy or strategy contained in a state planning policy is authorised as a purpose for which the Planning and Development Fund may be applied.

AILA SA is aware of the potential for application of funds to Greener Neighbourhoods grants as recently discussed and would welcome further involvement in its direction, however the potential broad scope of application indicated is not supported by AILA SA. Dilution of the program and its financial value would place significant pressures on the local design and construction industry, as well as impact the quality of our public spaces for the local community.

CONCLUSION

AILA SA has previously provided a number of submissions regarding the importance of quality public and private open spaces in achieving the aspiration of State Government, a long term quality of life for our community, and the need to develop mechanisms to increase green canopy in public and private land to meet State Targets, includes the strengthening of protection for significant and regulated trees.

The mechanisms within the Planning and Design Code will play a critical role in protecting South Australia's existing tree canopy and will determine if the State Government's 2045 target for a 20% increase in canopy and green cover can be achieved. The majority of loss, and the potential for canopy increase will be in private land and the planning regulations must play a key role. Canopy across all metro suburbs is in decline, a result from past dilution of protection and controls. Infill development and short term developer pressure risk further increasing the rate of decline, and the limited means to reinstate and grow the canopy.

AILA SA strongly supports a return to control pre-2012 towards a stricter regime to support the promoted Planning Strategy and State Planning Policy targets and value for increasing the urban tree canopy.

Similarly, the Planning and Development Fund is a critical mechanism for the ongoing planning, design revitalisation of public spaces and open spaces across South Australia, supporting a range of communities from local neighbourhoods to regional open spaces. In partnership with Local Governments, it provides support for design and the contribution of our members, working with the community as both client (within local government) as well as designer, to improve the quality of our public spaces. AILA SA supports the continued use of the Planning Development Fund, in accordance with the established history of value it has provided.

AILA SA would be pleased to discuss this submission further with DPTI staff and would be pleased to offer a member workshop to discuss these matters in detail.

We thank you for the opportunity to provide feedback and commend DPTI on this important work.

Please contact me if you have any questions or contact Sally Bolton – AILA SA State Manager by email - sally.bolton@aila.org.au if you require any additional information.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Ben Willsmore', with a long, sweeping horizontal line extending to the right.

Ben Willsmore
AILA SA State President