

Redwood Park  
SA 5097

23 February 2020

Hon. Stephan Knole  
State Planning Minister, Government of South Australia  
GPO Box 1533  
Adelaide  
SA 5001

RECEIVED

25 FEB 2020

Hon. Stephan Knoll

Dear Minister Knole

***Re: the proposed new Planning and Design Code***

We acknowledge the need for simplification and rationalizing of the existing 72 codes to be combined into one piece of legislation with the benefits of standardization of council planning rules. However we have serious concerns about the apparent weakening of protection for trees, green environments, heritage buildings and heritage areas.

- Section 11 [3] on Significant Trees states that"....subclauses [1] and [2] do not limit ability to make later amendments to the Planning and Design Code in relation to significant trees or a stand of trees – in other words previous protection can be removed at any time – there is no permanent protection for any 'significant trees' or 'stands of trees'.
- Section 4b [ii] states that any tree removal or other change must take into account the 'relevant, economic, social and cultural factors'.
- Section 4b [iii] speaks of including "relevant environmental factors including water catchment areas and biogeographical areas" – there is however, no mention of the need for environmental protection statements/reports or heritage reports from appropriate independent experts or organisations; this is left to the discretion of the Minister. If the minister decides not to get in these reports he/she can merely use their own home grown reports – thus evading independent expert information and advice. The weaknesses in this proposal is very clear. Reports with environmental impact statements and statements from heritage groups on character protection of buildings and areas should be mandatory for all development proposals.
- Notifications of proposed changes to be publicized online in the SA Planning Portal and The Gazette are not seen widely by the general public – a more honest approach would be a full or half page advertisement in The Advertiser where it would be read by the majority of people.
- Historic Area statement requirements appear to be missing from the proposed Code and should be mandatory
- The video promoting the Code states that by simplifying and bringing together the current piecemeal legislation the new Code will create a "liveable, prosperous and vibrant [state].....a great place to live...look well, work well...energy efficient and sustainable" – but will it? Removing the protection of significant trees, encroachments on the Parklands for commercial gain will not "protect the environment" or "limit unrestricted development". The current plans to re-develop the old Royal Adelaide Hospital site [known as Lot 14] reveal the proposed removal of other significant trees in addition to the eleven century old elm

trees already removed despite strong public opposition. The construction of several multi-storey buildings include one building with nine storeys will be totally out of character with the Parklands and the next door Botanic Gardens, in fact the proposed tall buildings will actually obscure the main gates to the Botanic Gardens.

- Biogeographical factors were clearly not considered when the elm trees were removed from Lot 14 or when the ancient red river gums felled in Mount Barker merely to make way for a driveway for a new sports complex. No environmental impact statement appears to have been required for either of these local environment degradations.
- Land division and re-zoning needs to be state regulated; it also needs to mandate environmental impact statements for government and nongovernment development to prevent the appalling current overdevelopment, intensive housing and loss of trees, open spaces and many beautiful old buildings [whether or not heritage listed].
- If we fail to protect our heritage and old buildings and the all-essential tree canopy, we will destroy what we love best about Adelaide and its livability. Loss of trees caused by the change from low to high housing density has already resulted in identified 'hot spots'. With the now acknowledged climate change with increased summer heat and dangerous winds this is when we must protect our city from tree loss at all costs. A "vibrant prosperous city" will not be "liveable" if we destroy all that makes it a good place to live in. Do we want an unlivable city like Sydney? Most people would say a very strong 'No'.
- Stronger not weaker protection for the Parklands, suburban reserves, trees, heritage buildings and heritage areas is clearly needed and is not a minority interest. The National Trust of SA petition concerning the loss of heritage protection now numbers 9000 and growing.

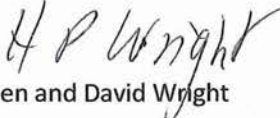
We appreciate the commonsense underlying the replacement of a standardized state wide code but are deeply concerned about the clear lack of protection from development for the Parklands, our suburbs and for heritage buildings and heritage areas.

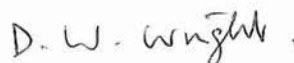
In consideration of the now accepted fact that South Australia is experiencing climate change and the undisputed facts of the appalling summer heat and bushfires of 2020 with the concomitant enormous loss of tree canopy and wildlife habitat we would strongly recommend that there should be a moratorium on *all* tree felling and tree removal for six years in order for replacement trees to be planted and others to regenerate and for wildlife to recover. This should apply to both the metropolitan and regional areas. Trees absorb and store carbon, prevent erosion, help to regulate the weather and rainfall and sustain wildlife. The known scientific facts necessitate the implementation of the Marshall government's 30 year plan for Greater Adelaide which states that "urban green cover in metropolitan Adelaide will be increased 20% by 2045". It is hard to believe how this will be achieved under the proposed new Code.

"A great place to live in" is not quantifiable in terms of dollars earned or made but by creating a city and state that supports the environment and all its lifeforms and contributes to the physical and mental health of its citizens. In light of climate change the environment must now take priority.

We thank you for your attention to this important matter and look forward to your considered response to our specific identified concerns.

Yours faithfully

  
Helen and David Wright





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Government  
of South Australia

The Hon Stephan Knoll MP  
Member for Schubert

Mr David and Mrs Helen Wright

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REDWOOD PARK SA 5097

Dear Mr and Mrs Wright

Thank you for your letter regarding the draft Planning and Design Code (the Code).

The State Planning Commission (the Commission) is leading the preparation of the Code, and is currently receiving submissions until 28 February 2020. Accordingly, I have forwarded your comments to Mr Michael Lennon, Chair of the Commission for his consideration.

South Australia is currently undergoing the biggest modernisation of its planning system in over 20 years. A modern planning system is fundamental for South Australia, as it will ensure our State remains liveable, prosperous and vibrant; and can meet the future demands of our great State.

In response to industry and community feedback, the State Government will re-introduce legislation to give stakeholders more time to implement the new Code.

The State Government is on track to deliver the new Code on time. However, we are acting on advice from the Commission based on stakeholder and community feedback. Councils, industry and the community have asked for more time to understand, prepare and become business ready before the new planning system is implemented.

It would be counterproductive to the planning system and developments across South Australia if we were to ignore the feedback from councils and the community and push ahead with the initial timelines.

This decision will involve the State Government restoring legislation into the Parliament to remove the 1 July 2020 date from the *Planning, Development and Infrastructure Act 2016 (SA)* and enable the timeframe for implementation to be set by proclamation in the Government Gazette.

This will also facilitate more time for testing and potentially more enhancements to be made to the ePlanning system, should they be required.

It is likely the implementation of the Phase Two Code (rural) will be delayed by three months to July 2020, while Phase Three Code (urban) will be delayed three months until September 2020.

Minister for Transport, Infrastructure and Local Government  
Minister for Planning

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This is a generational reform of South Australia's planning system, so the Marshall Liberal Government is listening to stakeholders to ensure we get it right, and deliver for all South Australians.

As mentioned, phase three remains on consultation until midnight 28 February 2020. If you require support with understanding the draft Code I encourage you to contact the Planning Reform Hotline on 1800 318 102 or visit [www.saplanningportal.sa.gov.au](http://www.saplanningportal.sa.gov.au).

I trust this information is of assistance.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'S Knoll', written over a light blue horizontal line.

**HON STEPHAN KNOLL MP**  
**MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT**  
**MINISTER FOR PLANNING**

20/2/2020

cc Mr Michael Lennon, Chair, State Planning Commission