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**To:** [DPTI:Planning Reform Submissions](#)  
**Subject:** The Planning and Design Code Phase 3  
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### The Planning and Design Code Phase 3

Currently it is far easier for to access and understand individual Council Development Plans, than the confusing and convoluted draft of the new Planning and Design Code

Planning Minister Knoll has stated in public meetings that Significant Tree protection laws will remain un-changed. This is not supported by the Planning & Design Code document. In fact there is not one mention of “Significant Trees” in its 3031 pages. Additionally Mr Knoll’s assurances offer cold comfort, as the current tree protection laws are inadequate and ineffective. We have lost 30% of the urban canopy since 2012, when tree protection laws were relaxed.

Given the frequency that the public is lied to by Politicians and so called public servants, why should we believe anything the Planning Minister or his department says? Or trust in their lack of disclosure?

#### No notification, no right of appeal

How is the new P&C Code an improvement? It appears to allow entire neighborhoods to be razed one infill at a time, with a minimum of public notification  
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. Is this a just and fair process? This disparity supports the notion that the Code and Act have been written for the interests of developers and not the public’s, denying Natural Justice.

#### Democracy or a Kleptocracy?

It appears the majority of the Planning Commission and SCAP panelists, past and present are, or have been developers in the private sector. Little wonder they have approved most development applications before them and shroud their activities in secrecy. The notion of having developer’s solely assessing development projects without scrutiny is tantamount to gun lobbyists overseeing gun reform or getting the fox to look after the chickens.

There seems to be little in the new Regulations to compel developers to incorporate existing vegetation as part of their plans. It’s now 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.

A new 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, confirmed by stamped photos and statements. The notice should be available for public comment for at least a month, with failure to do so incurring a heavy penalty and expiation. As will interference of the notice. The tree removal application should be posted on SA Planning Portal and published in newspapers

There needs to be more emphasis in the Act to Ecological, Environmental, and Mental Health benefits of old growth trees. this would likely lead to 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 needs 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. These trees should be protected and given due process. Hundreds have been removed at a time, when they could have been incorporated with the new infrastructure. Previous generations of planners were able to do this, as is evident by many sites around town

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.

Should the C&P Code in its current flawed form be forced on a largely unwilling or unaware populace, its impact could see a heavily maligned Planning Minister forgoing his future aspirations to become Premier. Given the amount of opposition by respected quarters to the proposed Code, its implementation will be an indicator of Government hubris

The general feeling among my friends, family and work associates is that most elected members are untrustworthy or inept, lack integrity and avoid accountability, while being easily bought

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